

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES 1934

VOLUME 9

NUMBER 157

Washington, Tuesday, August 8, 1944

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTIONS

REDUCTION-IN-FORCE REGULATIONS

By virtue of the authority vested in the United States Civil Service Commission by the Veterans' Preference Act of 1944 (Act of June 27, 1944, Pub. 359, 78th Congress, 2d Session) the following regulations are promulgated and the regulations approved July 31, 1943, governing reductions in force (8 F.R. 10921) are hereby revoked as of September 1, 1944.

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AUTHORITY: §§ 12.301 to 12.338, inclusive, issued under authority of sec. 12 of the Veterans' Preference Act of 1944 (Act of June 27, 1944, Pub. 359, 78th Cong., 2d Sess.).

§ 12.301 *Extent of regulations.* Pursuant to the provisions of the Veterans' Preference Act of 1944 (Public Law 359, 78th Congress, 2d Session), the following regulations are promulgated to govern reductions in force in the civilian service in all departments in the executive branch of the Federal Government. Nothing in these regulations is intended to apply to any position or appointment which is required to be confirmed by, or made with, the advice and consent of the United States Senate, or to any ap-

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

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pointment made personally by the President of the United States without confirmation by the Senate.

§ 12.302 *Policy.* It is the duty of every administrator to curtail his working force whenever he has a surplus of employees. Reduction-in-force regulations do not make this task easier but they help to give proper weight to the different factors which must be considered. These regulations were prepared with a great deal of care and are issued with the hope that they provide an answer to most of the problems that will arise. They are complex because there are so many factors which must be considered. Underlying policies should be kept in mind in applying the rules to individual cases. The most important policies are as follows:

(a) Looking ahead for changes in work loads, available funds and employee turnover, and restricting appointments in certain lines of work may prevent a surplus in workers which would otherwise occur. It is better practice to keep a working staff down to the number re-

quired than to cut down an oversize staff of employees.

(b) Employees who are not giving satisfactory service should be separated by appropriate methods or shifted to positions where they can give satisfactory service before it is necessary to reduce the force. Employees who are separated in a reduction in force should not be made to feel that their work has been unsatisfactory.

(c) When it can be seen that a reduction in force seems to be necessary, this fact should be made known to workers in each group where there is a surplus to give them an opportunity to take up the slack by voluntary resignations or transfers. At the same time, shifts in personnel should be planned which will enable the organization to work on the reduced basis. Frankness in dealing with employees will avoid many controversies later.

(d) All plans should provide for the return of members of the working force who are absent on furlough in the military services or in the Merchant Marine, and employees transferred with reemployment rights to other departments where their services are more vital to the war effort. Many of these employees will return to claim their former positions and there should be no delay in restoring those with proper claims.

(e) When involuntary separations are necessary in order to reduce the working force those with the least claims to retention should be separated first in any group where there is a surplus of workers. Career employees should not be separated as long as any employees who are not in the career service are retained in positions which the career employees can fill.

(f) Congress has specified that employees who have risked their lives by serving their country in the military services, the widows of veterans, and the wives of disabled veterans, must be given preference for retention in civilian positions, whenever there is a reduction in force.

(g) More outstanding employees must be preferred for retention over employees who are not so outstanding in a reduction in force.

(h) Those who have served faithfully for long periods of years should have preference over those who have served for shorter periods of time, in a reduction in force.

(i) The foregoing rules can be applied only when the area of competition is broad enough to permit interchange of personnel to protect career workers, to safeguard veteran preference, to keep the best workers, and to give proper consideration to seniority.

(j) Employees who are in danger of losing their positions in a reduction in force should have as much notice as possible and should be fully informed as to the reasons why they were selected for separation while others are retained. Frankness in dealing with employees is always a good policy.

(k) There must be an opportunity for employees who feel that their rights have been violated to have appeals considered by an impartial department.

The Commission has been designated as the agency to consider such appeals.

§ 12.303 *Definitions.* For the purpose of these regulations, the following definitions are given for the words, terms, and phrases listed below.

(a) "Reduction in force" means the involuntary separation from the rolls of a department, or furlough in excess of ninety days, of one or more employees in order to reduce personnel. Reduction of personnel may have to be made because of lack of funds, personnel ceilings, reorganization, or decrease of work, to make a position available for a former employee with established reemployment or restoration rights, or for other reasons.

(b) "Career employee" means: (1) the occupant of a position which is in the classified (competitive) service who has a classified (competitive) civil service status, unless he is serving under an appointment limited to one year or less. For the purpose of these regulations, recalled annuitants, employees continued beyond the involuntary retirement age, and employees appointed on a when-actually-employed (WAE) basis (see § 12.319), are not considered as career employees.

(2) The occupant of a position which is excepted from the classified (competitive) service who has the maximum permanency of tenure, not conditioned upon the war period or other circumstances, attainable in his agency.

(c) "Transitory employee" means (1) The occupant of a position which is in the classified (competitive) service who does not have a classified (competitive) status but who is serving under an indefinite probational, or trial-period appointment. This includes status quo employees and war service appointees, unless otherwise specified. However, the term does not apply to employees whose appointments are limited to one year or less, to recalled annuitants, to employees continued beyond the involuntary retirement age, or to employees appointed on a when-actually-employed (WAE) basis; for these special cases see § 12.319.

(2) The occupant of a position which is excepted from the classified (competitive) service who is serving under an appointment not limited to one year or less, but whose appointment is conditioned upon the war period or other circumstances.

(d) "Temporary employee" means an employee who is serving under an appointment limited to a specific period of one year or less, regardless of whether he may have a classified (competitive) civil service status as a result of prior service.

(e) "Veteran preference employee" means an employee entitled to veteran preference under the Veterans' Preference Act of 1944 (Public Law 359, 78th Congress, 2d Session). Such persons are:

(1) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, dis-

ability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department, or the Navy Department;

(2) The wives of such service-connected disabled ex-service men as have themselves been unable to qualify for any civil service appointment;

(3) The unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions;

(4) Those ex-service men and women who have served on active duty in any branch of the armed forces of the United States during any war or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions; and

(5) Those who on the date upon which the Veterans' Preference Act of 1944 (Public Law 359, 78th Congress, 2d Session) became effective, June 27, 1944, were entitled to veteran preference and were in Federal employment or on an eligible register of the Commission or other department authorized to compile eligible registers.

(f) "Restoration or reemployment rights" means the legal right of an employee to be restored to or reemployed in his prior position or a position of like seniority, status, and pay, or similar rights granted under published regulations.

(g) "Department" means an executive department, parent organization, independent establishment, government-owned or government-controlled corporation of the Federal Government, the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the executive branch of the Federal Government created by act of Congress or Executive order.

(h) "Governmental entity" means an executive department, bureau of an executive department, parent organization, constituent agency, independent establishment, entire field installation, regional office, or field station, a department of the municipal government of the District of Columbia, or any other such organization or separate governmental agency of the Federal Government created by act of Congress or Executive order.

(i) "Competitive level" means all positions allocated to the same class, service, and grade, and all positions of the same grade (although designated by different titles) that are sufficiently alike for interchange of personnel to be feasible.

(j) "Occupational group" means all ungraded positions at the same level in the same trade or occupation (for example: in the trade of electrician, at the level of helper, at the level of journeyman, etc.) although there may be two or more rates of pay in such occupational level.

§ 12.304 *Preventive measures.* In the public interest and in the interest of employees, it is the distinct responsi-

bility of heads of departments and governmental entities always to be alert to evidences of overstaffing, diminishing work loads, appropriation and allotment restrictions, and other indications that reductions in force may be necessary. Wherever possible, they should take remedial action which will avoid the more drastic action of making a reduction in force. Some of the measures which are effective in avoiding reductions in force are restrictions on new appointments, shifting of personnel to meet changes in work loads, and encouraging employees whose services can be spared to seek transfers. Representatives of the Commission will cooperate in these activities.

§ 12.305 *Use of transfer processes.* Many employees in groups where there is a surplus of workers may be shifted to other work assignments where their services are needed, in the same department, or in other departments. Personnel officers in each department are expected to arrange transfers for the benefit of these employees whenever this can be done within the department. Representatives of the Commission both in Washington and in the field will work with designated representatives of each department in transferring employees who are declared available to other departments, wherever their services are needed and they can be utilized effectively by other departments. Special efforts must be made to retransfer to their former positions all employees transferred under War Service Regulations to positions where their services were more vital to the war effort, who are no longer needed in the positions to which transferred.

§ 12.306 *Completion of employee records.* Departments shall take immediate steps to complete all records of employees which do not fully indicate their status, veteran preference, or entire Federal employment. After a careful examination of the personnel records in the department, including Form 2806, inquiries may have to be made of the Commission concerning doubtful cases. No inquiry should be made concerning those about whom there is complete information. For example, no inquiry need be made about a war-service appointee who had no prior Federal service and no military service; he is clearly without a classified (competitive) civil service status or veteran preference, and his length of service is shown in the department's records. It would be impractical for the Commission to check the status, veteran preference or service of all employees of every department. Therefore, it is necessary that careful screening be done so that requests for additional information will be limited to cases in which items are missing from the department's records. In the interest of avoiding a last-minute rush, departments are urged to begin now to examine the records of their employees.

Department records no doubt show that veteran preference has been granted in many cases. However, there may be many employees who have had military service but have not filed a claim for veteran preference. Depart-

ments are urged to circularize their employees in order to locate those who have had military service but have not been granted veteran preference. Every such employee should be urged to submit proof of separation from active service in the armed forces of the United States to his personnel officer. For reduction-in-force purposes, and no other, the Commission hereby authorizes personnel officers to record veteran preference on the personnel records of employees who present proof of honorable separation from last military service. (See § 12.303 (e) of this part.) Proof other than the certificate of honorable discharge or the certificate of satisfactory service, and all claims of wives and widows of veterans, should be forwarded to the Commission's Central Office or the appropriate regional office with the employee's claim to preference (Form 14) for official action. (Claims may be submitted to branch offices, representatives of regional offices and rating boards of the Commission who have authority to handle the majority of preference claims.)

Verification of classified (competitive) civil service status and length of service will be facilitated if the following groupings are made: (a) those who clearly have a classified civil service status but whose records of service are incomplete; (b) those who clearly do not have a classified civil service status but whose records of service are incomplete; (c) those whose status is unknown but whose records of service are complete; and (d) those whose records are incomplete as to status and service.

Departments desiring to obtain information from the Commission regarding employees' status, veteran preference, and service shall use Standard Form 66, which is available at the Government Printing Office and may be procured from that office in the usual manner. The department will complete section A of this form, check the items requested, supply the name and birth date of the employee concerned, enter service if verification is needed, and forward the form to the Commission, Service Record Division, Washington 25, D. C. The question concerning veteran preference should be checked only when military service is shown unless wife or widow preference is claimed. The Commission will complete section B in accordance with the information requested and return the form to the department. Verification by the Commission of service claimed by employees will hereafter be limited to that shown in the Commission's records. Requests for verification (Form 66) need no longer be submitted in duplicate. In any case in which the Commission is unable to verify service from its records it will be the responsibility of the department to obtain verification from the department in which the unverified service is claimed. In such cases it is requested that the verification be obtained in duplicate and that one copy be forwarded to the Commission, attention Service Record Division, for incorporation into the employee's service record. For reduction-in-force purposes where no service prior to March 16, 1942 is claimed, except military service,

departments may rely on statements by employees when supported by affidavit.

Departments shall also make certain that their records of employees clearly indicate the present and former employees who have restoration or reemployment rights in the department and the employees who have restoration rights in other departments.

§ 12.307 *Determination of restoration, reemployment and retention rights; statutory.* Certain employees who left positions other than temporary to serve in the armed forces or Merchant Marine and who are returning to civilian employment have statutory rights to return to the government service. They must have been members of land or naval reserve components ordered into active duty before May 1, 1940, or must have been in active military service after that date. Employees who entered the Merchant Marine after May 1, 1940, also have statutory rights to restoration. Under existing policy, these employees must be considered first for assignment to positions to which they would have been promoted or for restoration to the positions they left. Failing that, they are entitled to reemployment in positions of like seniority, status, and pay. The statutory right to return includes the right to be retained in the service for one year from the date of restoration to duty, unless discharged for cause.

§ 12.308 *Determination of restoration and reemployment rights under regulations.* By regulations, certain employees who transferred from nontemporary positions to private industry or between departments where their services were determined to be more vital to the war effort were given rights to return to their former positions, or to positions similar as to seniority, status and pay, at the same location in the same department.

§ 12.309 *Determination of restoration, reemployment and retention rights; priorities.* Restoration and reemployment rights of returning veterans and merchant seamen and those entitled by regulation to reemployment may conflict with each other and will conflict with the rights of other employees. These conflicts must be resolved in deciding which position is to be filled by a returning employee in deciding what assignments are to be made as a matter of placement, transfer, or promotion, and in deciding whether a reduction in force is necessary. In resolving the conflicts, the following order of priority shall be recognized, those in higher priority groups having superior rights to those in any lower priority groups:

(a) Career employees with statutory restoration, reemployment, or retention rights. Priority for this group extends for one year from the date of restoration. Within the group, those who served in the armed forces have priority over those who served in the Merchant Marine.

(b) Transitory employees (not including war-service appointees) with statutory restoration, reemployment, or retention rights. Priority for this group extends for one year from the date of restoration. Within the group, those who served in the armed forces have priority over those who served in the Merchant Marine.

(c) Career employees who have veteran preference, other than those in group (a).

(d) Career employees who do not have veteran preference.

(e) Transitory employees who have veteran preference, other than those in group (b).

(f) Transitory employees who do not have veteran preference.

The rights of competing employees, having been determined according to the above priority groups, establish the position which a particular employee shall occupy. This does not necessarily result in the separation of a displaced incumbent from the service. Retention of any displaced incumbent in the department will then depend upon the possibilities of placement in other positions or upon the order of selection established in these regulations governing reduction in force. The so-called "tagging" of positions, which has been followed in some departments, may also identify a specific position to which an employee with restoration or reemployment rights may be returned.

§ 12.310 *Clearance of plans of competitive areas for future use.* Departments shall give immediate consideration to the governmental entities which are the minimum areas of competition for reductions in force. If there is doubt as to the size and scope of these governmental entities, or if it is desired to establish smaller areas of competition as a standard practice for reductions in force, departments shall submit proposed plans of such competitive areas within sixty days after the issuance of these regulations, to the Central Office of the Commission, for the attention of the Personnel Classification Division. When approved, subsequent clearance with the Commission will not be necessary unless (a) a proposed competitive area does not conform to the plan, (b) department reorganization has affected the plan, or (c) the facts upon which the plan was originally based differ from the facts at the time of the reduction in force.

§ 12.311 *Preliminary decisions.* Consideration of the factors motivating a reduction in force necessarily is an administrative responsibility of the department concerned. Such factors include nature and location of function to be curtailed, number of personnel to be released, nature and extent of any reorganization and related subjects.

§ 12.312 *Determination of competitive area.* When it is administratively determined that a reduction in force must be effected, it becomes the duty of the department to establish, in accordance with these regulations, the area within which the mechanics of the reduction procedure shall operate and have uniform application. The area over which the reduction-in-force procedure is to apply and operate should be a governmental entity as defined in § 12.303 (h) of this part. No reduction in force affecting career or transitory employees shall be made in any smaller area without obtaining prior approval from the

Central Office of the Commission in the Washington, D. C., area, or from the appropriate regional office of the Commission outside the Washington, D. C., area. Approval by the Commission of any proposed smaller area will be given if the area is large enough to prevent the loss of highly efficient employees, to allow true competition to exist, and to require the retention of career employees and employee entitled to veteran preference. In approving or disapproving any such smaller area, consideration will be given to whether any employees of the competitive level or occupational group to be affected are outside the area, whether the area has independence of operation, work functions, and personnel administration (although policies may be established in higher department levels), whether the staff of the area is separately organized and clearly distinguishable from other areas of the governmental entity, and whether it is geographically situated within local commuting distance of other areas of the governmental entity.

Questions concerning competitive areas for reduction-in-force purposes in the Washington, D. C., area, whether the positions are field or departmental service, shall be submitted to the Personnel Classification Division of the Commission's Central Office for clearance and approval. Outside the Washington, D. C., area, such questions shall be submitted to the appropriate regional office of the Commission, whether the positions are field or departmental, except that when a plan of competitive areas for the department has been cleared in advance with the Central Office of the Commission, questions concerning them shall be referred through administrative channels to the Central Office.

§ 12.313 *Determination of competitive level or occupational group.* Within the determined competitive area, there shall be further determined the competitive level or occupational group in which the contemplated reduction in force is to be made. If the reduction in force is to be made in more than one level or group, each level or group shall be treated separately.

Each employee whose official position is in such competitive level or occupational group shall be considered in competition for reduction-in-force purposes, whether he is in a duty or leave status, pay or nonpay status, or actually engaged on work in another department, another competitive area, or in another competitive level or occupational group; except that there shall be excluded the names of persons in the active military service of the United States or in the merchant marine, persons on furlough to private industry or public enterprise under provisions of § 18.9 (d) of this chapter, persons on terminal leave, and persons regarding whom action to be taken has been determined as a result of prior reduction in force.

§ 12.314 *Determination of veteran preference.* Employees entitled to veteran preference are those included in § 12.303 (e) of this part. It is incumbent upon the department to ascertain which among the employees affected are en-

titled to veteran preference. Such preference accorded in the department will not be questioned by the Commission unless challenged by employees adversely affected.

§ 12.315 *Determination of length of service.* The length of service shall be the total of all periods of service that are eligible for consideration for civil service retirement purposes, without regard to whether the employee is eligible or will be eligible, actually to receive retirement benefits. This service includes active military service, whether or not veteran preference is given therefor. Total service shall consist only of full years of creditable service; however, fractions of a year shall be considered in arriving at the total.

§ 12.316 *Reassignment of career employees to permanent positions.* Before any formal application of the reduction-in-force procedures, each career employee in a competitive area in which a reduction in force is necessary, who has been transferred or promoted in the department on a temporary or war-service basis and whose services in his present assignment is no longer necessary, shall be transferred to a position that is to be continued, at the same geographical location wherever possible, with seniority, status and pay at least equal to that of the permanent position from which transferred on a temporary or war-service basis (see § 12.332 of this part).

§ 12.317 *Informal notice to employees.* In order that employees may have an opportunity to make personal adjustments, information that a reduction in force is anticipated shall be made known to employees generally in competitive areas likely to be affected. Such general information should be given as soon as a department has reason to anticipate a curtailment of personnel, with a suggestion that employees interested in finding other employment will be given all possible assistance. Statements of availability and releases should be furnished to any employees requesting them.

§ 12.318 *Special provisions relating to consolidations and mergers.* Before any reduction in force is made as the result of the transfer of any or all of the functions of one department to another continuing department, all preference employees, all permanent or indefinite employees serving their first year after restoration following war service in the merchant marine, and all other career employees who are qualified to perform the duties of any noncareer employee in the continuing department shall be transferred to such continuing department.

§ 12.319 *Termination at administrative discretion.* Because of the type of their appointments, certain employees may be separated at administrative discretion within certain limits. Accordingly, temporary employees, when-actually-employed (WAE) employees, annuitants who have been recalled from a retired status, and employees continued beyond the involuntary retirement age may be separated whenever their services are no longer required. However, in separating the above types of employees to

reduce personnel, they shall be separated with thirty days' notice (see § 12.333 of this part) before any other employees, and in the following order:

(a) Recalled annuitants and employees continued beyond the involuntary retirement age shall be the first to go, and then temporary and when-actually-employed (WAE) employees;

(b) Employees without veteran preference shall be separated before veteran-preference employees serving under similar types of appointment;

(c) Subject to the foregoing, less efficient employees shall be separated before more efficient employees;

(d) As between persons of equal preference and efficiency, length of service shall determine the order of separation.

§ 12.320 Categories of competition. Within each determined competitive level or occupational group in each determined competitive area, all employees referred to in § 12.319 of this part shall be separated first unless special or exceptional circumstances warrant the retention of particular employees. If any further reduction in force is necessary, (a) transitory and (b) career employees shall be considered in the order named. These two categories shall constitute separate and distinct categories of competition. Employees within each category shall be in competition only with other employees in the same category. Seasonal employees shall be considered in competition only with other seasonal employees in the same line of work. Reduction in force within this group shall be effected in the order of categories above prescribed.

§ 12.321 Sequence of selection; where an efficiency rating system is used. Within each of the respective categories, the sequence of selection for action shall be determined by consideration of veteran preference and reduction credits based on efficiency ratings and length of service with the Federal Government, including active military service. The order of reduction in force within each category shall be:

First, employees without veteran preference who have "Fair" efficiency ratings, in ascending order of reduction credits.

Second, employees with veteran preference who have "Fair" efficiency ratings, in ascending order of reduction credits.

Third, employees without veteran preference who have efficiency ratings of "Good" or better, in ascending order of reduction credits.

And last, employees with veteran preference who have efficiency ratings of "Good" or better, in ascending order of reduction credits.

(a) Reduction credits shall be computed by giving a numerical value of 80 for a "Good" efficiency rating, 88 for a "Very Good" efficiency rating, and 96 for an "Excellent" efficiency rating, and adding one credit for each full year of service with the Federal Government, including active military service. No numerical value shall be given for a "Fair" efficiency rating, but reduction credits for length of service shall be given as above.

(b) The efficiency rating used shall be the current appropriate official rating. In accordance with section 5 of the Efficiency Rating Manual (Civil Service Commission Form 3823, Revised¹) as clarified by section 2 of Departmental Circular No. 474¹ and by section 2 of Departmental Circular No. 486,¹ special ratings shall be given to each employee whose performance is evaluated under the uniform efficiency rating system approved by the Commission whenever such employee does not have a current official efficiency rating based on performance in a position of the competitive level or occupational group in which the reduction in force is being made. If a reduction in force necessitates the separation of all employees in a category of competition, the making of special ratings for employees in such category is not required.

(c) No credits shall be allowed for dependency, official conduct, or like factors. They shall be considered, however, when two or more employees are tied for position in the order of reduction in force and one or more but not all employees so tied for position are to be reached for action. If they are still tied, the date of entrance on duty shall be considered.

§ 12.322 Sequence of selection; where an efficiency rating system is used under administrative authority and provides evaluations comparable to approved systems. The procedure outlined in § 12.321 of this part shall be followed. Reduction credit shall be given, and the order of reduction in force within each category shall be determined upon the basis of ratings evaluated according to the following efficiency rating definitions:

"Fair": Performance that conforms generally to that reasonably required, with certain deficient performance not compensated by other outstanding performance.

"Good": Performance that conforms generally to that reasonably required with deficient performance in any phases compensated by outstanding performance in other phases.

"Very Good": Performance that is distinctly better than that reasonably required in at least half of the especially important phases, provided no deficient performance is present in any phase.

"Excellent": Performance that is distinctly better than that reasonably required in all especially important phases, provided no deficient performance is present in any phase.

§ 12.323 Sequence of selection; where no efficiency rating system is used or where the system used does not provide evaluations comparable to approved systems. The order of reduction in force within each category shall be:

First, employees without veteran preference, in ascending order of length of service.

And then, employees with veteran preference, in ascending order of length of service.

¹ Not filed with Division of Federal Register.

In computing length of service, one credit shall be given for each full year of service with the Federal Government, including military service.

§ 12.324 Sequence of selection; exceptions, statutory retention rights. Whenever a restored employee having the statutory retention rights indicated in § 12.307 of this part is reached for action in a reduction in force which is to become effective within one year from the date of his restoration to service, he shall be retained in preference to employees who are higher in sequence of selection but who are in a lower priority group as indicated in § 12.309 of this part.

§ 12.325 Sequence of selection; exceptions, special cases. Except as provided in § 12.324 of this part, no employee shall be retained in preference to an employee higher in the sequence of selection except under the following conditions: If the position of an employee is not to be abolished and its duties cannot be satisfactorily performed by any available employee higher in the sequence of selection after a reasonable training period, he may be retained in preference to such employee. In such case, a brief statement of the facts must be made in the "Remarks" column on the reduction-in-force list for consideration in connection with postaudits and appeals.

§ 12.326 Preparation of reduction-in-force list; requirements. A reduction-in-force list shall be prepared in triplicate for each determined competitive level or occupational group in each determined competitive area in which a reduction in force affecting transitory and career employees is to be made. It shall list all employees in categories (a) transitory employees, and (b) career employees, as provided in § 12.320 of this part, in the order in which action is to be taken. The categories shall be arranged on the list in descending order; that is, the category of career employees at the top and the category of transitory employees at the bottom. However, if only employees in category (a) are affected, the names of employees in category (b) need not be listed. The names of employees shall be so arranged that those first to be reached for action shall be at the bottom of the list. The list shall not contain the names of employees separated in accordance with § 12.319 of this part, "Terminations at Administrative Discretion"; but if any employees subject to such termination are retained under special circumstances warranting such retention and action is to be taken on employees in categories (a) or (b), their names and the reasons for the retention shall be reported to the Commission at the time the list is submitted.

§ 12.327 Preparation of reduction-in-force list; itemized information. The list shall contain:

(a) *The heading.* This shall show (1) the occupational or class title, (2) the department, and (3) the competitive area and its address.

(b) *Name of employee.* (List names in the order in which action is to be taken, placing at the bottom of the list

the name of the employee first to be reached for action.)

(c) *Position title.* This should be shown only where the customary office or shop title is different from the class or occupational title shown in the heading.

(d) *Salary rate.* (Basic rate, excluding overtime.)

(e) *Veteran preference.* (Enter the word "Yes" where applicable. No entry need be made for employees not entitled to veteran preference.)

(f) *Efficiency rating.* ("E" for excellent, "VG" for Very Good, "G" for Good, "F" for Fair.)

(g) *Service (years).* (Total of creditable service, including active military service.)

(h) *Reduction credits.*

(i) *Action.* (Enter the letter "S" if the employee is to be separated, "F" if the employee is to be furloughed, and "D" if employee is to be demoted to a position of lower competitive level or occupational group. If the employee is to be retained in preference to other employees, enter an asterisk. To indicate any other type of action, use any convenient symbol, and explain it on the form.)

(j) *Remarks.* (Enter brief explanations or references to footnotes or separate memoranda, regarding basis for breaking ties, retention in preference to employees higher on the list, special efficiency ratings, or any other matters which should be clarified.)

The names of recalled annuitants, employees continued beyond the involuntary retirement age, temporary employees, when - actually - employed (WAE) employees, shall not be listed, but if any such employees are being retained their names must be shown at the bottom of the list with explanations as to the reasons for their retention.

§ 12.328 *Reduction-in-force certificate.* The reduction-in-force list shall bear substantially the following certificate by the head of the department or some person authorized to act for him:

I certify that I have complied with all the provisions of regulations governing reductions in force and that the foregoing list contains all of the information required by such regulations.

The actions indicated in the list submitted herewith will be effective upon the expiration of accrued leave after the last day of active duty, which will be _____, 19____, unless otherwise indicated. The employees affected were notified of the action to be taken in their cases on _____, 19____.

(Date)

(Signed) _____

Actions may be made effective on the date indicated in the certificate without the prior approval of the Commission, but they will be subject to a postaudit, in the Commission's discretion, and they will be subject to appeal to the Commission by any transitory or career employee or by any employee subject to termination at administrative discretion who feels that his rights under veteran preference laws have been violated.

Any department desiring to do so may request the Commission to preaudit the reduction in force and approve the actions proposed thereunder. In so far as possible, and upon request, the Commission will assist departments in planning a reduction in force to insure compliance with these regulations.

§ 12.329 *Reduction-in-force actions; separations and demotions.* Where the reduction in force is permanent, as nearly as can reasonably be determined administratively, the affected employees shall be separated unless they have restoration rights to lower-grade positions or unless there is an administrative policy to demote employees in higher-grade positions to lower-grade positions, in either of which cases they may be demoted. If demotions and separations are to be made in a particular competitive level or occupational group, selections of those to be demoted in lieu of separation shall be determined in accordance with the priorities indicated in § 12.309 of this part. Employees who are separated shall be furnished statements of availability.

§ 12.330 *Reduction-in-force actions; furloughs.* Employees may be furloughed in excess of ninety days if the reduction is the result of a temporary condition that will exist for less than one year. Employees placed on furlough shall be furnished statements of availability. Where tenure is limited by the type of appointment, the furlough period shall not exceed the unexpired portion of the period of appointment and in no case shall the furlough period exceed one year. In the event that vacancies are to be filled in positions of the competitive level or occupational group and competitive area from which employees have been furloughed, the furloughed employees shall be given opportunity to return to duty before any original appointments are made to such positions. The order in which offers of recall to duty are made shall be the reverse of the list order in which the employees were furloughed. Employees who are not recalled to duty within the furlough period shall be separated from the service.

§ 12.331 *Reduction-in-force actions; exceptions, statutory retention.* Whenever a restored employee having the statutory retention rights indicated in § 12.307 of this part is reached for action in a reduction in force which is to become effective within one year from the date of his restoration to service, he shall be placed in some other position of like seniority, status, and pay elsewhere in the department if his position is being abolished or if he cannot be retained in preference to employees higher in sequence of selection as provided in § 12.324 of this part.

§ 12.332 *Reduction-in-force actions; exceptions, career employees.* Whenever it is finally determined in a reduction in force that a career employee reached for action is to be separated from the rolls or furloughed in excess of ninety days, and there is within the

department at the same geographical location a position not occupied by a career employee which the career employee so reached is qualified to fill, the career employee so reached shall be transferred or assigned to such position.

Retention on the rolls of the department of an employee who is displaced by a career employee will then depend upon the possibilities of placement in other positions, or upon the sequence of selection established in these regulations governing reduction in force.

§ 12.333 *Reduction in force actions—notice to employees.* Each employee affected by a reduction in force shall be given individual notice in writing at least thirty days before the action becomes effective. Wherever possible, this notice shall be given thirty days before the employee is relieved from active duty, and the employee shall be continued in a pay status until his accrued annual leave is exhausted. Where there is insufficient work to continue the employee in an active-duty status for thirty days, he shall have the greatest notice possible before he is relieved from active duty, and shall thereafter be carried in a pay status until his accrued leave is exhausted. If the period of active duty after notice is given and the period of accrued leave total less than thirty days, the employee shall be carried in a nonpay status for the remainder of the thirty day period. In no case shall an employee be taken off the rolls in a reduction in force without thirty days' notice in advance of such separation. Besides specifying the nature of the action and the date of termination of active duty, the notice shall inform the employee of:

(a) His right to be continued in a pay status until accrued leave is exhausted.

(b) The proper office or official of the organization through which the employee may examine a copy of these regulations and inspect the reduction-in-force list and records,

(c) His right to appeal the proposed action to the Commission (Washington employees to the Central Office and others to the appropriate regional office) within ten days from the receipt of the notice, and

(d) Any restoration or reemployment-list rights he may have, and the channels (departmental and field) through which the employee may apply for other government employment.

§ 12.334 *Submission of reduction-in-force list to the Commission.* As soon as employees are notified of the proposed action, and within the ten day period allowed for the filing of appeals, two signed copies of the reduction-in-force list and the names and reasons for retention of employees who are subject to termination at administrative discretion and have not been so terminated, shall be transmitted to the appropriate office of the Commission (Central Office in the case of employees stationed in Washington and vicinity, and regional office in the case of employees stationed outside of Washington and vicinity).

Whenever a department finds it necessary to separate, demote or furlough employees whose names with complete information, have already appeared on a reduction-in-force list that has been certified to the Commission during the same efficiency rating period in connection with action on other cases, it shall be necessary only for the department to notify the Commission regarding such cases, referring to the list on which the names appear, and certifying as to the notices to employees.

§ 12.335 *Rights of employees to inspect reduction-in-force list and records and to appeal action taken.* Employees affected by a reduction in force are entitled to full compliance with these regulations, and to appeal to the Commission within ten days of receipt of notice of any action which they believe to be in violation of these regulations. In order that they may be informed of the facts on which action is based they shall have the right to examine a copy of these regulations and to inspect the records and the reduction-in-force list on which their names appear. No appeal will be entertained by the Commission from employees who are subject to termination at administrative discretion except in cases of specific allegations of violation of veteran preference requirements.

§ 12.336 *Appeals.* Any transitory or career employee who feels that his rights under the veteran preference laws, or under these regulations have been violated, and any employee subject to termination at administrative discretion who feels that his rights under veteran preference laws have been violated, may appeal to the Commission (Central Office in the case of Washington employees, and otherwise to the appropriate regional office) within ten days from the receipt of notice of the action to be taken. This time limit may be extended only upon a showing by the employee that circumstances beyond his control prevented him from filing his appeal within the prescribed ten days.

§ 12.337 *Resulting action after appeal or postaudit.* Whenever the Commission, as the result of a postaudit or by a decision on the appeal of an employee, disapproves the action taken under these regulations, the head of the department shall cancel the notice of such action if the employee is still carried on the rolls in an active duty status, leave status, or nonpay status. Where the employee is in a leave or nonpay status, he shall be restored to active duty.

(a) If the employee has been separated from the rolls before the department is advised of the disapproval of the action by the Commission, the head of the department shall promptly restore the employee to the position from which separated.

(b) In the case of the disapproval of a demotion, the employee shall be restored to the position from which he was demoted.

(c) In the case of the disapproval of a furlough in excess of ninety days, restoration to active duty shall take place as follows: (1) if the furlough has been

in effect for ninety days—immediately; (2) if the furlough has not been in effect for ninety days—within ninety-one days of the time the employee entered a nonpay status.

(d) If additional separations, demotions, or furloughs in excess of ninety days are necessary as a result of disapproval of cases by the Commission, they shall be made in accordance with these reduction-in-force regulations.

With respect to reductions in force outside of the Washington, D. C., area, the decision of the Commission's regional director is the decision of the Commission on appeals and postaudits.

§ 12.338 *Effective date.* These regulations shall be in effect on and after September 1, 1944.

Note: Miscellaneous information. Commission points of contact. Inquiries and correspondence concerning reductions in force outside the Washington, D. C., area, except matters involving an established plan of competitive areas for the department, shall be addressed to the appropriate regional office of the Commission.

Departments and employees desiring to contact the Central Office of the Commission for information concerning these regulations shall address inquiries and correspondence as follows:

Questions regarding transfer processes—Civil Service Representative of Department, Room 11, 820 7th Street NW., Washington 25, D. C.

Questions regarding civil-service status of employees—Service Record Division, U. S. Civil Service Commission, Washington 25, D. C.

Questions regarding veteran preference—Veteran Preference Sub-unit Service Section, Examining and Personnel Utilization Division, Room 315 Main Building, U. S. Civil Service Commission, 8th and F Streets NW., Washington 25, D. C.

Questions regarding creditable service—Legal Section, Retirement Division, Room 1018 Mather Building, 916 G Street NW., Washington 25, D. C.

Questions regarding submission of reduction-in-force lists, appeals from employees, all other questions—Efficiency Ratings Administration Section, Personnel Classification Division, Room 801 Victor Building 724 9th Street NW., Washington 25, D. C.

By the United States Civil Service Commission.

[SEAL]

H. B. MITCHELL,
President.

JULY 31, 1944.

[F. R. Doc. 44-11701; Filed, August 4, 1944; 4:16 p. m.]

TITLE 7—AGRICULTURE

Chapter X—War Food Administration (Production Orders)

[WFO 9-6, Amdt. 11]

PART 1220—FEED

LIMITATIONS ON MIXED FEED MANUFACTURERS

War Food Order No. 9-6 (9 F.R. 1481, 4319) is hereby revised and amended in its entirety to read as follows:

Pursuant to the authority vested in me by the War Food Order No. 9 (for-

merly Food Production Order No. 9 (8 F.R. 16960, 9 F.R. 3475, 4319, 8767)), issued on December 18, 1943, to effectuate the purposes of such order pertaining to the use of protein meal in the manufacture of mixed feeds and to promote the orderly distribution of protein meal; it is hereby ordered, that:

§ 1220.8 *Quarterly limitation on the use of protein meal in the manufacture of mixed feed.* During any quarter (beginning January 1, April 1, July 1 or October 1) of the calendar year 1944, no mixed feed manufacturer shall use any quantity of protein meal in the manufacture of mixed feeds in excess of (1) the average quantity of protein meal used by such manufacturer in the manufacture of mixed feeds in the corresponding quarters of the calendar years 1942 and 1943, or (2) 30 percent of the maximum quantity of protein meal which the manufacturer is permitted to use in the manufacture of mixed feeds during the calendar year 1944 under the provisions of paragraph (d) of War Food Order No. 9, whichever is greater: *Provided, however,* That, in computing the maximum quantity of protein meal which may be used by a manufacturer, during the quarter beginning July 1, 1944, in the manufacture of mixed feeds under this order, any protein meal used in the manufacture of cubes or pellets containing not less than 30 percent protein for the feeding of cattle or sheep on the range, which is in excess of the average quantity of protein meal used for such purpose during the corresponding quarters of the years 1942 and 1943, need not be taken into account: *Provided, further,* That this order shall not apply to any mixed feed manufacturer who uses no more than 60 tons of protein meal in the manufacture of mixed feeds during the calendar year 1944. Nothing herein shall be construed to permit any mixed feed manufacturer, during the calendar year 1944, to use any quantity of protein meal in the manufacture of mixed feeds in excess of the maximum quantity permitted under paragraph (d) of War Food Order No. 9.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 9, 8 F.R. 16960, 9 F.R. 3475, 4319, 8767)

Issued this 5th day of August 1944.

J. B. HUTTON,
Director of Production.

[F. R. Doc. 44-11737; Filed, August 5, 1944; 3:29 p. m.]

[WFO 9-12]

PART 1220—FEED

SET ASIDE REQUIREMENTS FOR PROCESSORS OF OILSEED FOR SEPTEMBER 1944

Pursuant to the authority vested in me by War Food Order No. 9 (8 F.R. 16960, 9 F.R. 3475, 4319, 8767), issued on December 18, 1943, and to effectuate the pur-

poses of such order pertaining to set aside requirements for oilseed meal produced by processors, and to secure an equitable distribution of such oilseed meal, it is hereby ordered, that

§ 1220.15 *Set aside requirements for processors of oilseed for September 1944*—(a) *Amount to be set aside.* Each processor shall set aside at each processing plant operated by him 20 percent of his production of cottonseed, soybean, linseed and peanut oil meal, cake or pellets (hereinafter called "oilseed meal"), during September 1944. The amount of production upon which the quantity of oilseed meal set aside is based shall not include any oilseed meal produced for the Commodity Credit Corporation under the provisions of contracts designated "CCC Soybean Form 106, 1943 Crop," and this order shall not apply to oilseed meal produced under such contracts.

(b) *Sale and delivery of oilseed meal set aside.* (1) Oilseed meal set aside pursuant to this order shall not be sold or delivered by any processor except to a buyer named in a Certificate of Designated Buyer issued by the Agricultural Conservation Committee for the State or county in which the buyer's farm or establishment is located or by the Chief of the Feed Management Branch, Office of Production, War Food Administration. The certificate shall be in substantially the following form:

No. _____
 State and County Code _____
 and Order Number _____
 Date Issued _____ 1944____
CERTIFICATE OF DESIGNATED BUYER
 _____ is authorized to
 Name and address _____
 purchase and accept delivery of _____
 (tons—pounds) of _____ oilseed
 (Kind) _____
 from amounts set
 (Meal—cake or pellet) _____
 aside by _____
 (Name of Processor) _____
 of _____ to be ordered
 (Address of Processor) _____
 through _____ pursuant
 (Name, address of jobber) _____
 to the order of the Director of Production.
 (If, for any reason, delivery of oilseed meal cannot be made, this certificate shall be returned by the processor to the issuing Agricultural Conservation Committee with the reasons why delivery was not made.)
 OFFICE OF PRODUCTION,
 J. B. HUTSON,
 Director.
 (Agricultural Conservation Committee)
 of _____
 (Address) _____
 By _____
 (Chairman or designated member)
 Expiration Date _____

(2) Agricultural Conservation Committees may commence issuing Certificates of Designated Buyers pursuant to this order during August 1944, and processors may commence delivery of oilseed meal pursuant to such certificates during August 1944. A processor shall be entitled to credit such deliveries made in August 1944 against the quantity of oilseed meal which he is required to set

aside in September 1944, if he makes the report provided for in paragraph (d) (1) hereof.

(3) Shipment of any oilseed meal, set aside pursuant to this order must be made by a processor within twelve days of the receipt of any such certificate.

(4) The original and the processor's copy of appropriately executed certificates shall be sent by the person responsible for their issuance directly to the processor and a copy shall be sent to the designated buyer. The designated buyer and the processor shall arrange the details of transfer of materials designated on the certificate, using such intermediary parties as the processor may designate. The processor who delivers such oilseed meal pursuant to a certificate shall file such certificate as required under the provisions of paragraph (d) (2).

(5) No processor shall be required to honor a Certificate of Designated Buyer for oilseed meal set aside pursuant to this order unless the designated buyer furnishes the processor or his agent with (i) shipping instructions, and, in the case of a designated buyer other than a feeder, (ii) the statement required by paragraph (h) of War Food Order No. 9 before midnight of the expiration date shown on the certificate. If a processor elects not to honor a Certificate of Designated Buyer pursuant to this paragraph, he shall return such certificate to the issuing officer and he may dispose of the oilseed meal covered by such certificate free from the restrictions of this order. The expiration date for any Certificate of Designated Buyer issued under this order shall be not later than September 15, 1944, unless a later date (but in no event later than September 20, 1944) is authorized by the Chief of the Feed Management Branch, Office of Production, War Food Administration. No processor, however, shall be required to honor any certificate bearing an expiration date later than September 15, 1944, unless required to do so by notice from the Chief of the Feed Management Branch received before midnight of that date. In such case, the processor will be required to honor Certificates of Designated Buyers bearing expiration dates later than September 15, 1944, but not later than September 20, 1944. Any oilseed meal set aside pursuant to this order for which the processor has received no certificate before midnight of September 15, 1944 (or later, but not later than September 20, 1944, if the notice provided for herein is received from the Chief of the Feed Management Branch), may be disposed of by the processor free from the restrictions of this order: *Provided, however,* That the provisions of this paragraph shall not apply to oilseed meal required to be set aside by this order which has not heretofore been reported to the Director.

(c) *Existing contracts.* If this order makes it impossible for a processor to fill all of his contracts for the delivery of oilseed meal, which are in existence on the date of the issuance of this order, he

shall not, by reason of this order, refuse to make delivery of more than 20 percent of the oilseed meal covered by any such contract.

(d) *Processor's reports*—(1) *Report of tonnage for August delivery for credit against September set aside.* If a processor wishes to make deliveries of oilseed meal pursuant to this order in August 1944 for credit against his set aside in September 1944, he must report to the Director in writing (or by telegraph) not later than August 25, 1944, the estimated tonnage of each kind of oilseed meal which will be available at each of his processing plants for delivery in August 1944 for such credit. Each processor may also submit such additional information as he deems pertinent to the allocation or distribution of oilseed meal to be set aside under this order.

(2) *Report of tonnage set aside and deliveries made.* Each processor subject to this order shall file a report with the Director on FPA Form 2 not later than October 10, 1944, for each plant operated by him. Certificates of Designated Buyers, pursuant to which oilseed meal has been delivered, shall be attached to and made a part of FPA Form 2.

(e) *Certificates issued by County Agricultural Conservation Committees.* No County Agricultural Conservation Committee shall issue Certificates of Designated Buyers unless authorized to do so by its State Agricultural Conservation Committee:

(f) *Release of oilseed meal set aside under prior orders.* Any processor who has on hand oilseed meal, which has been reported pursuant to any set aside order prior to War Food Order No. 9-11 (9 F.R. 7639) as set aside for sale and delivery to designated buyers and for which the processor has received no shipping instructions from the designated buyers prior to the issuance of this order, may sell and deliver such oilseed meal free from the restrictions of the order under which it was set aside.

(g) *Communications.* All reports required to be filed hereunder and all communications concerning this order, unless instructions to the contrary are issued, shall be addressed to the Director of Production, War Food Administration, Washington 25, D. C., Ref: WFO 9-12.

Note: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423, E.O. 9332, 8 F.R. 14783; WFO 9, 8 F.R. 16360, 9 F.R. 3475, 4319, 8767)

Issued this 5th day of August 1944.

J. B. HUTSON,
 Director of Production.

[F. R. Doc. 44-11760; Filed, August 7, 1944;
 11:18 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[War Food Orders, Amendments¹]

AMENDMENT OF VIOLATIONS PARAGRAPH IN CERTAIN ORDERS

The paragraph entitled "Violations" in each of the War Food Orders numbered 1, 2, 3, 4, 6, 7, 8, 11, 13, 15, 16, 18, 19, 21, 22, 25, 29, 30, 35, 37, 38, 39, 42, 43, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67, 69, 70, 72, 76, 80, 81, 82, 86, 87, 89, 90, 92, 93, 94, 95, 96, 101, 102, and 103, is hereby amended to read as follows:

Violations. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

This order shall become effective at 12:01 a. m., e. w. t., August 7, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 5th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-11736; Filed, August 5, 1944;
3:28 p. m.]

[WFO 8, Amdt. 4]

PART 1401—DAIRY PRODUCTS

FROZEN DAIRY FOODS AND MIX

War Food Order No. 8, as amended (8 F.R. 953, 12163, 9 F.R. 4321, 4319, 4735, 5333, and 5767), is further amended to read as follows:

1. By deleting therefrom § 1401.31 (b) (3).

2. By deleting therefrom § 1401.31 (a) (8) and inserting, in lieu thereof, the following:

(8) The term "Director" means the Director of Distribution, War Food Administration.

3. By inserting therein, after § 1401.31 (a) (10), the following:

¹ War Food Orders Nos. 1, Amend. 10; 2, Amend. 3; 3, Amend. 4; 4, Amend. 3; 6, Amend. 1; 7, Amend. 2; 8, Amend. 5; 11, Amend. 4; 13, Amend. 3; 15, Amend. 3; 16, Amend. 2; 18, Amend. 4; 19, Amend. 3; 21, Amend. 3; 22, Amend. 2; 25, Amend. 1; 29, Amend. 7; 30, Amend. 5; 35, Amend. 2; 37, Amend. 3; 38, Amend. 1; 39, Amend. 2; 42, Amend. 10; 43, Amend. 1; 44, Amend. 4; 45, Amend. 4; 47, Amend. 2; 48, Amend. 2; 50, Amend. 3; 51, Amend. 2; 53, Amend. 5; 54, Amend. 2; 66, Amend. 3; 67, Amend. 4; 69, Amend. 4; 70, Amend. 4; 72, Amend. 3; 76, Amend. 2; 80, Amend. 2; 81, Amend. 3; 82, Amend. 2; 86, Amend. 2; 87, Amend. 3; 89, Amend. 1; 90, Amend. 2; 92, Amend. 1; 93, Amend. 1; 94, Amend. 5; 95, Amend. 1; 96, Amend. 1; 101, Amend. 1; 102, Amend. 1; and 103, Amend. 1.

(11) "Dairy and Poultry Branch Field Representative" means the person in charge of the appropriate Dairy and Poultry Branch field office as follows:

(i) For the States of California, Washington, Oregon, Nevada, Arizona, Wyoming, Utah, Idaho, and Montana:

Western Field Office,
Dairy and Poultry Branch,
Office of Distribution,
821 Market Street,
San Francisco, California.

(ii) For the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Texas, and Oklahoma:

Southwest Field Office,
Dairy and Poultry Branch,
Office of Distribution,
425 Wilson Building,
Dallas, Texas.

(iii) For the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia:

Southern Field Office,
Dairy and Poultry Branch,
Office of Distribution,
Western Union Building,
Atlanta, Georgia.

(iv) For the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Midwest Field Office,
Dairy and Poultry Branch,
Office of Distribution,
5 South Wabash Avenue,
Chicago, Illinois.

(v) For the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Northeast Field Office,
Dairy and Poultry Branch,
Office of Distribution,
150 Broadway,
New York, New York.

4. By deleting therefrom § 1401.31 (d) and inserting, in lieu thereof, the following:

(d) It is hereby declared to be the policy of the War Food Administration that every processor shall make equitable distribution among those persons supplied by such processor during the base period of the frozen dairy foods and mix manufactured by such processor. All processors shall observe such policy in selling or distributing the frozen dairy foods and mix which they process. In the event the Director finds that the distribution made by a processor in any particular instance is not equitable, the Director may prohibit the particular processor from making any further distribution of such frozen dairy foods and mix except such as may be specified by the Director as being equitable. Any failure to observe such a direction by the Director shall be a violation of this order.

5. By deleting therefrom § 1401.31 (f) and inserting, in lieu thereof, the following:

(f) **Records and reports.** (1) The Director shall be entitled to obtain such information from, and require such re-

ports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his production and transactions in frozen dairy foods and mix.

6. By deleting therefrom § 1401.31 (i) and (j) and inserting, in lieu thereof, the following:

(i) **Petition for relief from hardship.** Any person affected by this order, who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief with the Dairy and Poultry Branch Field Representative serving the area in which such person resides or does business. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Dairy and Poultry Branch Field Representative, he may, by requesting the Dairy and Poultry Branch Field Representative therefor, secure a review of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

(j) **Communications.** All reports required to be filed hereunder shall be addressed in conformity with the instructions specified in the respective form required to be submitted. All other communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Dairy and Poultry Branch Field Representative serving the area in which the person affected by this order resides or does business.

This amendment shall become effective at 12:01 a. m., e. w. t., August 5, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 8, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 8, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 5th day of August 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-11735; Filed, August 5, 1944;
8:33 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT
Chapter VIII—Procurement and Disposal
of Equipment and Supplies

[Procurement Regs. 3, 6, 7, 9, 11, 13, 15]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations, contained in Parts 803, 806, 807, 809, 811, 813, and 815 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (9 F.R. 8363) as amended by change 39, 4 August 1944,¹ the particular regulations amended being Nos. 3, 6, 7, 9, 11, 13, and 15.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Section 5a, National Defense Act, as amended, 41 Stat. 764; 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838; 50 U.S.C. Sup. 601-622.

[SEAL] **ROBERT H. DUNLOP,**
Brigadier General,
Acting The Adjutant General.

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART A—GENERAL

In § 803.303a the first paragraph is designated (1) and the second paragraph is designated (2) and amended to read as follows:

§ 803.303a *Letters of intent and letter orders—(1) Use.* * * *

(2) *Report on letters of intent, etc.*

(i) On or before the 10th of each month the chief of each technical service will file with the Director, Purchases Division, Headquarters, Army Service Forces, a report of each letter of intent, letter order, letter purchase order, etc. outstanding at the close of the preceding month. This report is titled "Letters of Intent, Etc. Outstanding" and assigned Control Approval Symbol PDS-16. The first report shall be due 10 August 1944 for the period ending 31 July 1944. This report does not conflict with the reports of negotiated purchase actions in excess of \$10,000, Control Approval Symbol ICY-33, required by § 802.293.

¹ Change 38 appears at 9 F.R. 9459.

(ii) The reports of letters of intent, etc. outstanding, Control Approval Symbol PDS-16, will be submitted, original only, on an unclassified basis. Negative reports and letters of transmittal will not be submitted. Chiefs of technical services, where necessary, will obtain appropriate data from their procurement district offices using the same reporting method as required for their report to the Purchases Division, Headquarters, Army Service Forces. These reports shall set forth the following information:

(a) Contract number.

(b) Name of contractor.

(c) Amount of expenditure authorized under the letter of intent, letter order, letter purchase order, etc. (Only the amount authorized to be obligated is desired. The amount which it is estimated will be finally obligated under the definitive contract should not be reported.)

(d) A brief description of the item or items being procured.

(e) Date of letter of intent, letter order, letter purchase order, etc.

(f) A brief statement of the reasons why a letter of intent, letter order, letter purchase order, etc. was issued in the first place. (Applies only to agreements made after 30 June 1944.)

(g) A brief statement of the reasons why each letter of intent, etc. which had been outstanding more than 60 days as of the end of the reporting period had not been converted into a definitive contract.

(iii) It is intended that letters of commitment (see W. D. Contract Form No. 28 and §§ 802.222 (g) and 813.1328) will be included in these reports but they will either be listed separately or clearly marked to indicate their nature.

SUBPART C—FORMALITIES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODIFICATIONS THEREOF

In § 803.309, paragraph (d) is amended to read as follows:

§ 803.309 *Numbering contracts.* * * *

(d) *Effect of War Department Fiscal Code.* (1) Under date of 1 January 1944, the War Department Fiscal Code was issued as TM 14-700.

(2) Chapter 8 of the aforementioned code sets forth list of procurement station numbers presently prescribed.

These station numbers are to be used in numbering contracts (as required by paragraph (b) (2) of this section and by § 803.318b (e) (1) (ii)).

(3) It is to be noted that Chapter 7 of the aforementioned code contains code numbers designating the various technical services as well as the various service commands. These code numbers are not to be substituted, in the numbering of contracts, for the letters used to designate the technical services and the service commands (as required by paragraph (b) (3) of this section and by § 803.318b (e) (1) (iii)), since symbol letters used in the numbering of contracts to designate the technical services must be approved, prior to their use, by the Comptroller General of the United States.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

In § 803.338, paragraph (j) of the plant protection clause is amended to read as follows:

§ 803.338 *Plant protection clause.*

(j) The Contractor, upon request of the Contracting Officer, shall suspend from access to work under this contract any officer or employee whose continued employment is deemed by the Contracting Officer to endanger the security of the war effort.

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART D—INTERBRANCH PROCUREMENT

Section 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the Office of the Quartermaster General.* The tabulation set forth below contains certain information with respect to all indefinite quantity contracts executed by the Office of the Quartermaster General, which are applicable to purchases made by activities outside the jurisdiction of the Quartermaster General. More complete information as to these contracts is contained in the War Department supply bulletins referred to in the tabulation. These supply bulletins are available at Adjutant General Depots.

INDEFINITE QUANTITY CONTRACTS EXECUTED BY OFFICE OF QUARTERMASTER GENERAL

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-81	1 Jul 44	Oil, engine (United States Army Spec. 2-104 B, amendment No. 2).	1 July 1944 to 31 December 1944.	W 44-109-qm-13.....	The Texas Co.....	Continental United States, exclusive of California, Nevada, Oregon, Utah and Washington.	All War Department activities within continental United States for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-14.....	Shell Oil Co., Inc.....	California, Oregon, and Washington.	
				W 44-109-qm-15.....	Standard Oil Co. of California..	Nevada and Utah.....	
10-87	5 Jul 44	Books.....	Fiscal year 1945.	See Supply Bulletin No. 10-87		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-89	7 Jul 44	Malt.....	1 July 1944 to 30 September.	W 11-009-qm-19650....	Hazleton Syrup Company, Hazleton, Pa.	1st Service Command.....	All Branches of the War Department.
				W 11-009-qm-19651....	Malt-Diastase Co., Wyckoff Ave. and Decatur St., Brooklyn, N. Y.	2d and 3d Service Commands; Military District of Washington.	
				W 11-009-qm-19652....	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command.....	
				W 11-009-qm-19653....	Fabst Sales Co., 221 N. LaSalle St., Chicago, Ill.	5th Service Command.....	
				W 11-009-qm-19654....	Birk Bros. Brewing Co., 2117 N. Wayne St., Chicago, Ill.	6th Service Command.....	
				W 11-009-qm-19655....	The Wander Co., 360 N. Michigan Ave., Chicago, Ill.	7th Service Command.....	
				W 11-009-qm-19656....	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	8th and 9th Service Commands.	
10-94		Compressed yeast.	Fiscal year 1945.	W 11-009-qm-19505....	Federal Yeast Corp., Colgate Creek, Highlandtown, P.O., Baltimore, Md.	3d Service Command.....	All Branches of the War Department.
				W 11-009-qm-19508....	Capitol Yeast Co., 105 Cambridge St., Boston, Mass.	1st Service Command.....	
				W 11-009-qm-19730....	Standard Brands, Incorporated, 595 Madison Ave., N. Y., N. Y.	4th, 8th and 9th Service Commands.	
				W 11-009-qm-19731....	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2d and 7th Service Commands and Military District of Washington.	
				W 11-009-qm-19732....	Red Star Yeast Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th and 6th Service Commands.	
10-96		Paper rolls, for cash registers.	Fiscal year 1945.	W 28-021-qm-15523....	The National Cash Register Co., Main and K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations.

SUBPART C—INTERDEPARTMENTAL PURCHASES

In § 806.606 (g) the last item in the schedule is deleted, and the preceding two items are amended to read as follows:

§ 806.606 *Purchases under contracts of Procurement Division, Treasury Department.* * * *

(g) *Mandatory schedules.* * * *

Description of item	Schedule of supplies	Period
Household and quarters furniture (Part 1)	August 1, 1944 to January 31, 1945.	
Household and quarters furniture (Part 2)	August 1, 1944 to January 31, 1945.	

[Procurement Reg. 7]

PART 807—DISPOSITION OF PROPERTY

SUBPART A—GENERAL

In § 807.103, paragraph (a) is added as follows:

§ 807.103 *Statement of the War Department policy.* * * *

(a) *War Department policy on direct sales.* Under regulations prescribed by the Surplus War Property Administration pursuant to Executive Order No. 9425, general responsibility for disposal of surplus Government property has been assigned to certain disposal agencies, as more fully explained in Subpart G of this part. It is the policy of the War Department to have these disposal agencies dis-

pose of surplus War Department property to the fullest extent provided by the regulations of the Surplus War Property Administration, and to limit direct disposal by the War Department to those categories for which the War Department is clearly responsible. Accordingly, sales by the War Department will be limited to the following:

(1) Sales of termination inventories as provided in Subpart B of this part.

(2) Sales of nominal quantities of surplus property as provided in § 807.701.

(3) Sales to War Contractors, other government agencies and other limited classes of transferees as provided in Subpart C of this part.

(4) Sales of salvage, scrap and waste.

SUBPART B—DISPOSITION OF TERMINATION INVENTORIES

1. In § 807.206 paragraph (d) is added, as follows:

§ 807.206 *Specific price regulations.* * * *

(d) *Consultation with Regional Offices of Reconstruction Finance Corporation.* Regional Managers of Reconstruction Finance Corporation (see paragraph § 807.907 for names and addresses) are available at all times for consultation as to the application of the price policies set forth in this section. Their advice should be obtained by contracting officers, Disposal Boards and other War Department representatives concerned with disposal of termination inventories in all cases of doubt.

2. Section 807.211 is added as follows:

§ 807.211 *Inter-service relationship with respect to selected contractors.* (a) In furtherance of the declared policy of the War Department (see § 807.205) to effect prompt disposition of termination inventory, the Director, Readjustment Division, Headquarters, Army Service Forces, may, from time to time, in ac-

cordance with § 815.223, select a contractor holding several War Department prime and subcontracts and assign it for purposes of this section to the chief of a particular technical service.

(b) The chief of a technical service to which such contractor is assigned will be responsible for the prompt disposal of all its termination inventory (held by it as prime contractor or subcontractor) arising from the termination of contracts by any technical service of the War Department, and is authorized to take such action for the disposal thereof as the chief of the technical service terminating the prime contract is authorized to take under applicable regulations. The prices at which any such termination inventory may be retained or disposed of by a contractor with the approval of the chief of the designated technical service or his duly authorized representative under authority of this paragraph will be recognized and accepted for all purposes, including any termination settlement made with a contracting officer of another technical service. No authorization which might otherwise be exercised by prime contractors under § 815.437a (relating to accounting examinations and approval of property disposals in subcontract settlements involving less than \$10,000) should be exercised in settling a subcontract of a contractor now or hereafter assigned to a designated technical service pursuant to § 815.223, except with the approval of that service; but if any action has been taken pursuant to such authorization, it will nevertheless be valid and binding.

(c) Significant items included in a termination inventory will be submitted to the chief of the technical service terminating the contract for determination as to whether such items may be utilized within that service for military supply or industrial or other purposes. However, as provided in § 807.203, such reference will not be permitted to delay or limit local disposition.

(d) Responsibility for the storage or removal of property transferred to the Government in accordance with applicable regulations remains in the chief of the technical service terminating the prime contract.

SUBPART D—DISPOSITION OF NON-REPAIRABLE PROPERTY

In § 807.410, paragraph (c) is added, as follows:

§ 807.410 *Pricing policies on sales of non-repairable property included in termination inventory.* * * *

(c) *Consultation with Regional Office of Reconstruction Finance Corporation.* Metals Reserves Company agents in the Regional Offices of Reconstruction Finance Corporation are authorized to act as consultants in connection with scrapping determinations and disposal of scrap included in termination inventories. Advisory panels have been established to provide technical information and assistance to these agents. Metals Reserve Company agents and their advisory panels should be consulted by contracting officers, Disposal Boards, and other War Department representatives

concerned with scrapping determinations and disposal of scrap included in termination inventories in all cases of doubt. To the fullest extent practicable, local disposal agencies of the War Department should arrange with Metals Reserve Company agents for "on the spot" assistance. Requests for consultation and assistance should be communicated to Metals Reserve Company agent, in care of Regional Manager of Reconstruction Finance Corporation (see § 807.907 for addresses).

[Procurement Reg. 9]

PART 809—LABOR

SUBPART G—WAGE AND SALARY STABILIZATION

In § 809.980d, subparagraphs (28) to (31) are added to General Order No. 4, as follows:

* § 809.980d *General Order No. 4.*

(d) * * *

(28) Firms in the automotive repair and tire industry in Region X of the National War Labor Board, embracing the States of California, Nevada and Arizona (approved, July 4, 1944).

(29) Jewelry stores and watch repair establishments in Region IX, embracing the States of Colorado, Montana, New Mexico, Wyoming, Utah and Idaho (approved, July 11, 1944).

(30) Jewelry industry in Region X (approved July 11, 1944).

(31) All contractors in the building and construction industry in the United States (approved, July 7, 1944).

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART E—PATENTS

In § 811.1112 paragraphs (a) through (t) are amended, and paragraphs (u) to (aa) are added; §§ 811.1113 and 811.1114 are added, as follows:

§ 811.1112 *Adjustment of royalties for use of inventions.*—(a) *Definitions.* Where used in §§ 811.1112 to 811.1114 hereof, inclusive, the following terms have the meanings here assigned to them:

(1) "The act" means the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89-96).

(2) "Notice" means the written notice specified in section 1 of the act and described in paragraph (c) below.

(3) "Order" means the order of the Secretary of War specified in section 1 of the act and described in paragraph (d) below.

(4) "Director" means the Director (or in his absence the Acting Director), Purchases Division, Headquarters, Army Service Forces. In respect of any action taken by the Army Air Forces, the term "Director" means the Special Representative of the Under Secretary of War (see subparagraph (2) of § 801.103 (d)).

(5) "Delegate" means the offices and boards specified in paragraph (i) and in subparagraph (1) of paragraph (j), together with any other office, board or individual to whom any of the powers,

duties and authorities of the Secretary of War under the act have been or may be delegated.

(6) "Originating technical service" means (i) the technical service (as defined in subparagraph (2) of § 801.103 (d)) of the delegate which has given notice under the act, or (ii) the technical service which has been directed by the Director to take necessary action in relation to a notice contemplated or given.

(7) "Licensor" includes the grantor in a patent license agreement as well as the transferor of the entire right, title and interest in and to a patented or unpatented invention upon consideration including future payments based upon the extent of manufacture, use, sale or other disposition of the invention.

(8) "Licensee" includes the grantee in a patent license agreement as well as the transferee of the entire right, title and interest in and to a patented or unpatented invention upon consideration including future payments based upon the extent of manufacture, use, sale or other disposition of the invention.

(b) *Basic statute.* The act makes provision for adjusting royalties for the use of inventions for the benefit of the United States, in aid of the prosecution of the war, and for other purposes. Paragraphs (c) to (h) inclusive, contain a summary of the provisions of the Act as applied to the War Department. Sections 811.1112 (i) to 811.1114 (h), inclusive, contain the rules and regulations prescribed thereunder for exercise of such of the powers, duties and authorities of the Secretary of War under the Act as have been or may hereafter be delegated by him.

(c) *Applicability and notice.* Whenever an invention, whether patented or unpatented, is manufactured, used, sold or otherwise disposed of for the United States under the conditions set forth in the Act and the license includes provisions for the payment of royalties, the rates or amounts of which are believed to be unreasonable or excessive by the Secretary of War, the Secretary of War shall give notice of such fact to the licensor and the licensee. By definition, the manufacturer, use, sale or other disposition of an invention, whether patented or unpatented, by a contractor, subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government is construed as manufacture, use, sale or other disposition for the United States.

(d) *Fixing of rates and order.* The act further provides that within a reasonable time after the effective date of the notice, in no event less than ten days, the Secretary of War shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale or other disposition. Either the licensor or the licensee may, if he so requests within ten days from the effective date of the notice, present within thirty days from the date of his request, in writing or in

person, any facts or circumstances which may in his opinion have a bearing upon the rates of amount of royalties, if any, to be determined, fixed, and specified as aforesaid. Any order fixing the rates and amounts of any royalties shall be issued within a reasonable time after such presentation.

(e) *Prohibition against payment of excessive royalties.* The licensee shall not after the effective date of the notice (upon receipt of notice, or five days after the mailing thereof, whichever date is earlier) pay to the licensor, nor charge directly or indirectly to the United States, a royalty in excess of that subsequently specified in the order. It is provided that, whenever a reduction in the rates or amounts of royalties is effected by order, the reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such inventions, or by way of refund if already paid to the licensee.

(f) *Remedies of licensor.* The act contains certain provisions as to the remedies of the licensor, which, in general, limit him to a suit against the United States in the Court of Claims or a District Court of the United States.

(g) *Settlement of claims.* The Secretary of War is authorized, before suit has been instituted against the United States, to enter into an agreement with the owner or licensor of an invention, in full settlement and compromise of any claim accruing under the provisions of the Act or any other law, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention.

(h) *Authority of Secretary of War to delegate powers and issue regulations under act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers conferred by the act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to issue such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the act. In accordance with the provisions of the act, rules and regulations have been issued, the terms of which are set forth in the succeeding paragraphs.

(i) *Delegations.* The Secretary of War has delegated to each of the following:

- a. Commanding General, Army Service Forces.
- b. Commanding General, Army Air Forces.
- c. Assistant Chief of Air Staff, Material and Services.
- d. Chief, Procurement Division, Office of Assistant Chief of Air Staff, Material and Services.
- e. Commanding General, Material Command, Army Air Forces.
- f. Director, Purchases Division, Headquarters, Army Service Forces.
- g. Chiefs of the Technical Services, Army Service Forces.
- h. Royalty Adjustment Board, Material Command, Army Air Forces.

in the matters properly before them and for action under the direction of the Under Secretary of War, the following powers, duties and authorities conferred upon him by the act:

(1) To determine that notice should be given and to give notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive;

(2) To receive and hear such facts and circumstances as may be presented by the licensee or licensor, and such other facts and circumstances as are relevant to an evaluation of the factors specified in paragraph (k), and to recommend appropriate action;

(3) To negotiate voluntary adjustments of royalties or settlements of infringement claims against the United States, before suit against the United States has been instituted, and to withdraw any notice given under subparagraph (1) above, provided that no such notice shall be withdrawn unless the licensor(s) shall have first agreed substantially as follows:

The undersigned hereby consents to the withdrawal of the notice issued ----- [date of notice] ----- under the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U.S.C. 89-96) and in consideration of such withdrawal hereby releases any and all claims or demands now held by the undersigned against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

but in particular cases for good cause shown the Director may authorize substantial deviation from or omission of the foregoing consent and release.

(4) To fix and specify, by order, fair and just rates or amounts of royalties, and to authorize the payment thereof, if any royalty be allowed, by the licensee to the licensor, subject, however, to the approval of such order by the Director; and

(5) To enter into an agreement, before suit against the United States has been instituted, with the owner or licensor of an invention, or of the Letters Patent therefor, effecting a voluntary adjustment of royalties charged or chargeable to the United States, or in settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of the Act or any other law by reason of the manufacture, use, sale or other disposition referred to in paragraph (c) or for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of the Director in each case where that approval is required by subparagraphs (4) or (5) of § 811.1113 (c), subparagraph (1) of § 811.1113 (g) or § 811.1114 (a) hereof.

(j) *Further delegations.* (1) The Secretary of War has further delegated the powers, duties and authorities described in subparagraphs (1), (2) and (3) of paragraph (i) for action in matters properly before them and under the direction of the Under-Secretary of War, to each of the following:

- a. All Division Engineers of the Corps of Engineers.

b. Assistant Aid Judge Advocate, Headquarters, Army Air Forces.

c. Chief, Legal Division, Office of the Chief of Transportation.

d. Assistant Chief, Engineering and Technical Service, Office of the Chief Signal Officer.

e. Royalty Adjustment Board, Office of the Surgeon General.

(2) The Secretary of War has further delegated to certain individual officers and to certain specially created boards substantially the powers, duties and authorities referred to in subparagraphs (2) and (4) of paragraph (i), but limited to the exercise thereof in respect of the particular inventions or license agreements specified in each such delegation and, insofar as concerns the powers, duties and authorities referred to in subparagraph (4) of paragraph (i), subject also to the approval of the chief of the technical service concerned.

(3) If the chief of any technical service desires that further delegation be made of the powers, duties and authorities of the Secretary of War either (a) as set forth in subparagraph (1) above, or (b) as set forth in subparagraph (2) above in respect of any specified inventions or license agreements, a request to that effect may be transmitted to the Director specifying the delegate to which such delegation is to be made and the extent of the delegation desired. Requests under (a) above will specify the proposed delegate by the name of an office or board and not by the name of any individual or individuals occupying the same. Requests under (b) above may specify one or more individuals by name.

(4) In each case where the powers, duties and authorities referred to in subparagraphs (1), (2), (3), (4) or (5) of paragraph (i) have been or may hereafter be delegated to a board designated as a "Royalty Adjustment Board," the said board shall, unless otherwise expressly provided in the instrument of delegation, consist of three qualified and responsible officers designated by the chief of the service or command concerned, who shall have power from time to time to remove any such officer and to fill any vacancy occurring in said board. Unless otherwise provided in the instrument of delegation, (a) a majority of said board shall determine its action, (b) all notices and recommendations of the board may be signed in its name by any member if duly authorized thereto by a majority of such board, and (c) any two members of such board shall constitute a quorum.

(5) The powers, duties and authorities referred to in paragraph (i) and in this paragraph shall not be redelegated by any delegate under the general authority to redelegate conferred in § 801.107 (1).

(k) *Factors to be considered before notice is given and in the making of an order.* Before notice is given there will be taken into account so far as practicable, and in the making of any order there will be taken into account, the following factors:

- (1) The conditions of wartime production;
- (2) The production and use of the invention prior to any increase due to wartime procurement, including
 - (i) Any established royalty rate,

(ii) The volume on which royalty was paid,

(iii) The yearly aggregate royalty paid, and

(iv) The circumstances under which the licensing and the establishment of the royalty rate occurred;

(3) The character of the invention and any patent protection therefor, the value of its contribution to the art in which it is used, and the character and expense of research and development that have been devoted to the invention;

(4) The extent of use and proposed use of the invention by other departments or agencies of the Government and the amounts of royalties involved in the aggregate in such use; and

(5) All other considerations which are ordinarily and properly taken into account in determining fair and just royalties or which appear to be appropriate to the particular case.

(l) *Duties of the technical services.* Subject to the rules and regulations set forth in §§ 811.1112 to 811.1114 (b), inclusive, the chiefs of the technical services are, in matters properly before them and acting under the direction of the Under Secretary of War, under the duty of causing the powers, duties and authorities delegated under the act to be exercised in such manner and at such times as may be necessary to prevent unreasonable or excessive royalties from being charged to the War Department. This duty may be discharged pursuant to such instructions as may be issued by the chiefs of the technical services for the guidance of their respective services..

(m) *Policy of the War Department in the administration of the act.* The policy of the War Department is (a) that, so far as practicable, a licensor shall not be subjected to duplicating interrogation by two or more technical services in relation to his royalty receipts from the use of a particular invention or series of related inventions; and (b) that, so far as practicable, each licensor shall, where such royalties are believed to be unreasonable or excessive, be given fair opportunity to effect a voluntary adjustment thereof before notice is given. The regulations set forth in paragraph (n) and §§ 811.1113-811.1113 (k), inclusive, are designed to effectuate this policy.

(n) *Procedure in the giving of notice.*

(1) An initial inquiry may be sent to a licensor or a licensee requesting all or any part of the following and no more— (a) the names and addresses of licensor and licensee(s), (b) a copy of the license agreement, (c) a list of patents and patent applications involved, and (d) a statement of the royalties received (or paid) under such license during each year for the years 1936 to date of inquiry. Such inquiry shall include a provision to relieve the addressee from compiling information previously supplied upon an inquiry of any other branch of the War Department or of any other department or agency of the Government by permitting the addressee to respond by sending a copy of the reply to the previous inquiry or the name and address of the person who made the previous inquiry. Such inquiry to a licensee shall not be sent to any contractor who has furnished the

relevant patent royalty information upon the War Department Standard Procurement Form (§ 813.1327 (b) or in renegotiation proceedings.

(2) If, upon consideration of the reply to the initial inquiry, further investigation is believed by the delegate to be advisable he shall, prior to making such further investigation, request from the Director clearance to do so, and the office of the Director may grant such clearance as appears proper in the light of the information which the records of that office contain regarding the issuance by any other technical service of the War Department or by any other department or agency of the Government of a notice in the same matter, or the consideration which has been or is being given to the issuance of such a notice. The request for clearance shall state the name and address of licensor, and the inventive subject matter, and so far as known and practicable the name(s) and address(es) of the licensee(s) and the numbers of the patent(s) and patent application(s) concerned. A clearance once given remains in force till modified or revoked by the Director.

(3) If, upon such investigation as appears proper (after clearance from the Director), the delegate having the matter in hand believes that the royalties in question are not unreasonable or excessive, he shall transmit to the Director a report (in triplicate) stating his findings and conclusions, including so far as practicable the data specified in paragraph (aa).

(4) If, upon such investigation as appears proper (after clearance from the Director), the delegate having the matter in hand believes that the royalties are unreasonable or excessive, he shall (unless he has previously been expressly authorized by the Director to omit such action) afford licensor fair opportunity to effect a voluntary adjustment thereof. Where, in the opinion of the delegate, fair opportunity has been afforded and a satisfactory adjustment cannot be effected, such delegate thereupon may issue notice in respect of the royalties in question, subject however to the requirements of paragraphs (o) and (p) hereof. Where, however, the delegate believes that circumstances exist making it necessary or desirable in the interests of the War Department that notice should be given without first affording licensor an opportunity to effect a voluntary adjustment, the delegate may issue notice in such case provided he has first obtained from the Director authority to do so.

(5) Promptly upon the giving of notice under the act, the delegate who issued the notice shall transmit to the Director a report (in triplicate) giving the names and addresses of licensor and licensee and three copies of each notice issued.

(o) *Procedure when a department or agency, other than the War Department, is concerned.* Inasmuch as any order entered by or under the authority of the Secretary of War affects only those royalties which are charged or chargeable to the War Department, every reasonable effort shall be made, before

and after the giving of any notice, to determine what, if any, departments or agencies of the Government other than the War Department are or may be concerned in the payment of royalties for the same invention. If, at any time after clearance has been given as provided in subparagraph (2) of paragraph (n), it appears that a department or agency other than the War Department is so concerned, the service having the matter in hand shall forthwith communicate with such other department or agency and shall thereafter coordinate all further proceedings with such department or agency.

(p) *Procedure when more than one technical service of the War Department is concerned.* Any delegate to whom the authority referred to in subparagraph (1) of paragraph (1) has been or may hereafter be delegated shall exercise such authority, under the direction of the Director, in respect to all such royalties which are charged or chargeable to any and all technical services of the War Department. If, at any time after clearance has been given to a technical service as provided in subparagraph (2) of paragraph (n), it appears that more than one technical service of the War Department is concerned, that fact shall be reported forthwith to the Director and shall be accompanied by a recommendation of the reporting service as to the service believed to be in the best position to carry on the proceeding. The Director may thereupon give directions as to how, and by whom, the authority referred to in subparagraphs (1), (2), (3), (4) and (5) of paragraph (1) shall be exercised on behalf of the Secretary of War.

(q) *Form of the notice.* The following form of notice is approved for use subject to such deviations as may be necessary or appropriate in any given case:

[Letterhead of Delegate]

NOTICE

In the Matter of _____, [et al.] Licensor(s) and _____, [et al.] Licensee(s)

To: Licensor(s) and Licensee(s): You and each of you will hereby take notice, that:

Pursuant to the Royalty Adjustment Act 1942 (Public No. 163, 77th Congress; 35 U.S.C., 83-96), notice is hereby given that the royalties which are charged or chargeable directly or indirectly to the War Department on account of the manufacture, use or sale to or for the United States of the alleged inventions relating to _____ [subject-matter] _____, by virtue of the license agreement(s) between _____, as Licensor, and the following Licensees, are believed to be unreasonable or excessive:

[Names of all licensees]

This Notice becomes effective upon its receipt by you or five (5) days after the mailing hereof, whichever date is the earlier.

The licensor or any licensee, if he so requests within ten (10) days from the effective date of this Notice, may within thirty (30) days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royal-

ties, if any, to be determined, fixed and specified.

From and after the effective date of this notice and until the making of an order under said act, each licensee is hereby directed (a) not to pay to licensor any royalties under said license(s) which are charged or chargeable directly or indirectly to the War Department and (b) to segregate said royalties from licensee's general funds and safely keep the same until such time as the disposition thereof is directed by such order. The foregoing Notice is hereby given in behalf of the Secretary of War.

By direction of the Under Secretary of War:

[Signature (and title) of delegate]

The foregoing notice is directed to the following:

[Names and addresses of all licensors and licensees]

The foregoing notice shall be forwarded by registered mail, return receipt requested, to the last known address of each licensee and licensor named therein.

(r) *Forwarding of copies of notice.* Copies of all notices issued shall be forwarded forthwith to:

(1) The Chief of each technical service in the War Department.

(2) The Director (in triplicate).

(s) *Withdrawal of notice previously given.* (1) Notice under the act once given by any delegate shall not be vacated or withdrawn, in whole or in part, otherwise than under the provisions of and in the manner prescribed in subparagraph (3) of paragraph (i). Upon execution by a licensor of the form of consent and release specified in subparagraph (3) of paragraph (i), three copies of the instrument vacating and withdrawing the notice and one copy duly executed by the licensor of the said form of consent and release shall be promptly transmitted to the Director.

(2) In the event a licensor refuses to execute said form of consent and release or an approved deviation therefrom and the Director has not authorized the omission thereof, an order shall be made and submitted for approval in the manner hereinafter specified.

(b) *Form of the order.* The following form of order is approved for use subject to such deviations as may be necessary or appropriate in any given case and subject to the instructions contained in paragraph (u).

WAR DEPARTMENT

WASHINGTON

ROYALTY ADJUSTMENT ORDER No. W —

In the Matter of

[Insert name of each Licensor]

Licensor(s),

—and—

[Insert name of each Licensee]

Licensee(s).

War Department Contract Nos. -----
[Insert the identifying number of each War Department contract, if ascertained, which it is believed will be affected by the order; if no contract is ascertained, omit the above heading]

Contractor: -----
[Insert names of Contractors in respect of each of the above identified contracts; if no contract is identified, omit the above heading]

Whereas, pursuant to authority contained in the Royalty Adjustment Act 1942, Public No. 768, 77th Cong.; 35 U.S.C., 89-96, written notice was given on or about the -----
[Insert date of notice] to -----
[Insert name of each Licensor] -----
(individually and collectively hereinafter called "Licensor") and to -----
[Insert name of each Licensee] -----
(individually and collectively hereinafter called "Licensee") that the royalties, provision for the payment of which by Licensee to Licensor is included in the [license(s) dated -----] [licenses specified in Column 4 of Schedule A annexed hereto and by this reference made a part hereof], and which said royalties are charged or chargeable directly or indirectly to the War Department for or on account of the manufacture, use or sale to or for the United States of certain alleged inventions [pertaining to -----] [specified in Columns 1, 2 and 3 of said Schedule A], were believed to be unreasonable or excessive, and that until the making of an order herein no royalties were to be paid by Licensee to Licensor under the license(s) above referred to which are charged or chargeable directly or indirectly to the War Department, and

Whereas, Licensor and Licensee, upon their request, have presented in writing and in person such facts and circumstances as they desired having a bearing upon the rates or amounts of royalties to be determined, fixed and specified by order pursuant to said Act;

Now, therefore, pursuant to the authority of and for the purposes set forth in said Act, and upon taking into account the facts and circumstances presented as aforesaid, the conditions of wartime production, and such other facts and circumstances as are proper to be considered in determining a fair and just rate or amount of royalties in the premises, it is hereby Ordered as follows, viz:

(1) that fair and just rates or amounts of royalties for the manufacture, use, sale or other disposition for the War Department of the said alleged inventions are hereby determined, fixed and specified to be [-----] [the rates or amounts set forth in Column 5 of said Schedule A];

(2) that, until further order, Licensee is hereby authorized to pay to Licensor, on account of the manufacture, use, sale or other disposition of said alleged inventions for the War Department heretofore occurred, or hereafter occurring while Sections 1 and 2 of said Act remain in force, royalties, if any, at the rates or in the amounts determined, fixed and specified in paragraph (1) hereof, and no more, under

(a) the said license(s) [dated -----] [identified in Column 4 of said Schedule A], [and]

(b) any license between them, entered into on or after the effective date of said notice and so long as Sections 1 and 2 of said Act remain in force, which in any respect con-

¹ As to use of Schedule A see paragraph (u) (1) of this section.

tinues, supplements, modifies or supersedes [the license] [any of the licenses] referred to in subparagraph (a) hereof, [and

(c) any license between them, entered into on or after the effective date of said notice and prior to the date of this Order, which grants rights to practice the said alleged inventions;]²

[Alternate A]

(3) that Licensee is hereby directed to pay over to the Treasurer of the United States (through -----) the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and which since said date have or may hereafter become due to Licensor, for or on account of the manufacture, use, sale or other disposition of said alleged inventions for the War Department heretofore occurred or hereafter occurring while Sections 1 and 2 of said Act remain in force, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

[Alternate B]

(3) that Licensee is hereby directed (a) to pay over to the Treasurer of the United States (through -----) the balance, in excess of the payments authorized by paragraph (2) next above, of all royalties specified in the licenses referred to in said paragraph (2) which were due to Licensor and were unpaid on the effective date of said notice, and which since said date have accrued or may hereafter accrue in respect of supplies, equipment, materials or parts thereof delivered to or for the War Department prior to the tenth (10th) day next following the receipt of this order by the Licensee, and demand is hereby made for payment forthwith of the monies so directed to be paid; and

(b) to reduce the contract price of all supplies, equipment, materials and parts thereof delivered to or for the War Department on and after the tenth (10th) day next following the receipt of this order by the Licensee, to the extent necessary to secure to the Government the full benefit of the reduction in royalties effected by this order; and

(4) that reservation is hereby expressly made of the right to amend, modify, revoke or extend this Order and of the right of the head of any department or agency of the Government, including but not limited to the War Department, to take such other, further and different action as may be authorized by any statute of the United States with respect to the subject matter.

It is recommended that the Secretary of War make the foregoing Order.

[Signature (and title) of the delegate who recommends the making of the order, if different from the delegate who signs next below]

The foregoing Order is hereby made.

[Signature (and title) of a delegate specified in paragraph 1112.9]

The foregoing Order is hereby approved in behalf of the Secretary of War.

² As to use of subclause (c), see paragraph (u) (5) of this section.

By direction of the Under Secretary of War:

[Leave two lines blank]

Director, Purchases Division Headquarters, Army Service Forces³

Dated: Washington, D. C.

-----, 194----

(u) *Preparation of the order.* The following instructions are prescribed for use in the preparation of suitable orders in various types of cases, based upon use of the form of order set forth in paragraph (t), without prejudice to such other deviations from that form as may be necessary and appropriate in any given case.

(1) Schedule A is to be used only when it is impracticable to include the same information in the text of the order.

(2) To the extent that the licensee is a War Department prime contractor, the order shall (unless the Director otherwise directs) be drawn in such manner as to require that the benefits of any adjustment of royalties accruing after the date of the order will inure to the War Department in the form of a corresponding price reduction. To accomplish this purpose, Alternate B of clause (3) of the form of order as given in paragraph (t) would be used. Clauses (1), (2) and (4) would be used substantially as set forth.

(3) To the extent that the licensee is a subcontractor for the War Department, or for the War Department and other departments, the order may be drawn in such manner as either (i) to effect reduction of the price paid to the licensee for articles or services furnished by licensee to or for War Department contractors or subcontractors where by reason of contract provisions or otherwise there is assurance that the benefits of the order will be transmitted by such contractors or subcontractors to the War Department, or (u) to effect running recapture of excess royalties from the licensee by direct payment by him to the Treasurer of the United States when and as royalty payments fall due. In either case provision will be made requiring the licensee to pay over to the Treasurer of the United States the balance, in excess of royalty payments allowed by

the order, of the accumulated fund in the hands of the licensee on the date of the order.

(4) In a case of the kind mentioned in subparagraph (3) above,

(i) If it is believed preferable to effect price reductions, Alternate B of clause (3) of the form given in paragraph (t) would be used.

(ii) If it is believed preferable to make running recapture of excess royalties from the licensee when and as royalty payments fall due, without price reduction, Alternate A of clause (3) of the form given in paragraph (t) would be used.

In either of these cases clauses (1), (2) and (4) of the form would be used substantially as set forth.

(5) Normally subclause (c) of clause (2) of the form given in paragraph (t) would be omitted. Subclause (c) is intended for use solely in those cases where the identified license specified in subclause (a) is limited by its terms so as to convey rights for the performance of one or more specified War Department contracts and no others, or is for a fixed term expiring during the pendency of proceedings, and where it is deemed likely that prior to issuance of the order another license has been or will be entered into between licensor and licensee conveying rights under the same inventions for the performance of subsequent War Department contracts.

(6) Appropriate provisions may be inserted in special cases, for example, where there are a plurality of licensees and the amount of royalties found to be fair and just is a fixed maximum sum to be received by licensor within each specified (e. g. annual) period, or where the War and Navy Departments make contemporaneous orders each referring to the other, etc.

(v) *Submission of order for approval.* In submitting an order to the Director for approval, the delegate or originating technical service shall prepare and transmit to the Director the following papers:

(1) A memorandum of transmittal showing action taken in compliance with the applicable requirements of paragraph (u);

(2) Two copies of each notice issued (additional to any copies previously transmitted);

(3) Two copies of the transcript or minutes of the hearing if any held on the request of, and two copies of any papers not incorporated in such transcript submitted by, licensor or licensee;

(4) Two copies of any additional data basically relied upon;

(5) Three copies of an official report, statement or memorandum containing the following information:

(i) The date on which the notice is found to have become effective under the statute;

(ii) The manner in which and the extent to which the invention is being utilized by or for the War Department;

(iii) If the invention is patented, or the subject of a patent application, the number of all patents and patent applications pertaining thereto;

(iv) The identifying number of each War Department contract, so far as known, whose price is reduced by the order;

(v) The parties, terms, date and a copy, if obtainable (unless a copy is included among the papers mentioned in subparagraph (3) above), of each instrument of license which is affected by the order;

(vi) The facts and circumstances upon which are based the conclusion set forth in the order that the rates or amounts of royalty, if any, fixed in the order are deemed fair and just taking into account the conditions of wartime production and other pertinent facts and circumstances;

(vii) A statement of estimated savings or benefits to the War Department if the order be approved; and

(viii) A statement of reasons why it is deemed desirable under the circumstances that the future benefits of the order shall inure to the War Department in the form (as the case may be) of price reduction or running recapture of excess royalties from the licensee; and a statement of the methods proposed for supervision and control of the course adopted.

(6) The order signed by the delegate or delegates exercising authority in the matter.

(w) *Copies to the Chief, Patents Division, Office of The Judge Advocate General.* One copy of each of the documents mentioned in subparagraphs (1), (2), (3), (4), (5) and (6) of paragraph (v) shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the transmittal of copies of the same documents to the Director.

(x) *Procedure upon approval of an order.* Upon approval and execution of an order by the Director, the following procedure will be observed subject to such deviation as may be necessary and proper:

(1) The Director will transmit to The Adjutant General the original order, and sufficient copies thereof for certification, together with one copy of each of the papers mentioned in subparagraphs (2), (3), (4) and (5) of said paragraph (v).

(2) The Adjutant General will retain, as the War Department's permanent file in the matter, the original of the order (subparagraph (6) of paragraph (v)) and the copies transmitted to him of the papers mentioned in subparagraphs (2), (3), (4) and (5) of said paragraph; and he will certify the required number of copies of the order (one for each party named therein as licensor or licensee) and transmit the same to the Director, who will forward them to the originating technical service or delegate.

³In the case of orders originating in the Army Air Forces the legend should be as follows:

[Leave two lines blank]

Special Representative of the Under Secretary of War

SCHEDULE A

Column 1	Column 2	Column 3	Column 4			Column 5	
Title or short description of invention	Patent Nos. or app. ser. Nos.	Issue dates or filing dates	Instrument(s) in which royalties are stipulated			Fair and just royalties	
			Effective date	Licensor	Licensee	Rate	Amount

(3) The originating technical service or delegate will forward a certified copy of the order to each party named therein at his last known address, by registered mail, return receipt requested.

(4) The Director will cause to be distributed a copy of the order to each of the following:

Navy Department.
Treasury Department.
Maritime Commission.
Reconstruction Finance Corporation.
Office of Strategic Services.
War Department; Price Adjustment Board.
Chief, Patents Division, Office of The Judge Advocate General.
Chief patent officer of each of the Technical Services.
Air Judge Advocate.
All Royalty Adjustment Boards.

(y) *Monies recovered from licensees or licensors.* Monies received by any technical service of the War Department from any source, either as a result of an order or pursuant to an agreement effecting a voluntary adjustment of royalties, shall be paid to the Treasurer of the United States and deposited to the credit of Miscellaneous Receipts under Treasury Symbol No. 214238, "Refund of Royalties". Provision may be made in any order, or any contract adjusting royalties (see § 811.1113) for transmittal of remittances through any designated officer.

(z) *Rehearing or reconsideration.* Any delegate who recommended or made an order may reconsider such order, permit the licensor or licensee to present further facts or circumstances having a bearing upon the matters dealt with therein, and recommend or make an order supplemental thereto within the scope of the delegate's existing authority as set forth in paragraphs (i) or (j).

(aa) *Action required upon a determination that royalties are fair and reasonable.* (1) In every case which has been cleared for investigation under subparagraph (2) of paragraph (n) where the delegate having the matter in hand finds upon investigation that the royalties in question are fair and reasonable, a closing report shall be transmitted to the Director (in triplicate), including so far as practicable the following information:

- a. Name(s) and address(es) of licensor(s).
- b. Name(s) and address(es) of licensee(s).
- c. Identification of patents or applications for patent, or other rights involved.
- d. Brief description of the subject matter of the invention involved.
- e. If several patents or applications are involved, which, if any, dominate the Government procurement involved and which, if any, are not involved therein.
- f. Date of the license agreement, a copy thereof or a brief summary of its provisions, including the scope and limitations of grant, all royalty provisions and price fixing provisions, if any.
- g. Summary of any pertinent interviews or correspondence with or statements submitted by the licensor, or a statement that the licensor was not interrogated.
- h. Statements of:

(1) Total royalties received, preferably annually from 1936 to the latest period available.

(2) Segregation of royalties between Government and non-Government, during the period when the licensed subject matter was

affected by wartime production, so far as readily obtainable from the licenses concerned.

1. Reasons for concluding that royalties are fair and reasonable, and a statement of any relevant facts in support thereof.

§ 811.1113 *Voluntary adjustments of royalties effected before an order is made—(a) Available procedures for voluntary adjustment.* The delegate or technical service having the matter in hand may, subject to the conditions set forth in paragraphs (b), (c) and (g), negotiate a voluntary adjustment of royalties before an order is made, in any of the following manners:

(1) Before notice under the act has been given:

(i) By receiving a copy of a supplemental agreement entered into between licensor and licensee(s) and executed by each of them;

(ii) By accepting a unilateral agreement executed by licensor (see paragraph 1113.9); or

(iii) By causing the United States to enter into a contract with licensor alone, or with licensor and all licensees materially affected, in the manners provided in paragraphs (g) and (h).

(2) After notice under the act has been given (but before an order is made):

In any of the manners above set forth provided, in addition, the notice is withdrawn in the manner provided in subparagraph (3) of § 811.1112 (i).

(b) *Delegate not to prejudice the Government's rights.* Where prior to the making of an order the licensor voluntarily agrees to reduce the rates or amounts of any royalties which are charged or chargeable to the War Department, and the Government does not execute the agreement which effects such reduction, the delegate or technical service having the matter in hand shall not, in correspondence or otherwise, purport to agree that the Secretary of War or the head of any other department or agency of the Government will for any period forbear to exercise his powers under the act.

(c) *Voluntary adjustments executed by the Government—(1)* Contracts which effect a voluntary adjustment of royalties may, provided no order has been made under the act and under the conditions stated in the following subparagraphs, be executed on behalf of the United States. Such contracts may be prepared in substantial conformity with War Department Contract Form No. 29 (see § 813.1329 hereof). The following subparagraphs apply whether or not that form is used.

(2) If entered into before a notice under the act has been given, such contract (a) may include as parties (in addition to the United States) either the licensor alone, or the licensor and all licensees materially affected, (b) shall be executed on behalf of the United States by a delegate having authority in the matter, and (c) does not require approval of the Director except where that approval is expressly required by subparagraphs (4) or (5) below or by subparagraph (1) of paragraph (g). If the contract is with licensor alone, the provisions of para-

graph (h) apply; if the contract is with licensor and licensee(s), the provisions of paragraph (g) apply.

(3) If entered into after a notice under the act has been given (but before an order is made), such contract is subject to the provisions of subparagraph (2) above, and in addition shall contain or be accompanied by a signed consent or release substantially conforming to the form thereof set forth in subparagraph (3) of § 811.1112 (i), unless the Director has authorized a deviation from or omission of the same.

(4) No such contract shall, without the approval of the Director, contain any provision which would prejudice or impair in any way the right of the head of any department or agency of the Government to make other or further adjustment of the rate or amount of royalties specified in the original license or in the contract adjusting the royalties.

(5) Any such contract containing provision whereby, in consideration of substantial reduction in royalties, the Secretary of War agrees not to make further adjustment of the rates or amounts of the royalties in question is subject to the written approval of the Director, and may be approved by him provided the total amount of royalties which will be charged to the War Department while the Secretary of War is thus bound is a fixed amount or an amount determinable at the time the contract is executed, and there is reason to believe that such amount is not and will not become unreasonable or excessive.

(d) *Contract articles providing for royalty refund or price reduction.* (1) It is contemplated that, in the use of War Department Contract Form No. 29, the royalty adjustment would ordinarily take effect as of some convenient past date (for example, the beginning of one of the quarterly royalty periods provided in the license) and that the adjustment will apply to all government royalties accruing since that date. Provision is made in Form No. 29 for a definition of the term "subject royalties" in such manner that, when the agreed past date is inserted in one of the definitions forming a part of the contract (see especially subparagraphs (e) and (f) of § 813.1329, Art. 1), the term "subject royalties" may then be used in other articles of the contract without repeating the definition. The contract articles, appearing below are intended for use only when accompanied by the definitions set forth in § 813.1329, Art. 1, with an agreed date inserted.

(2) The following contract articles providing for royalty refund or price reduction, when accompanied by the definitions of terms used therein as set forth in § 813.1329, Art. 1, are appropriate for use in the manner set forth in paragraphs (g) to (i) below:

ARTICLE ---- *Refund of royalties.* A. Licensor agrees forthwith to deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of that part of the subject royalties which have prior to the date of this contract been received by Licensor and, at the same time and place, to pay to the Treasurer of the United

States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

B. Licensor agrees that, forthwith upon receipt by Licensor on or after the date of this contract of any of the subject royalties, Licensor shall (a) deliver to [name and address of officer or board] a written report signed by Licensor showing the amount and manner of computation of said royalties, and (b) pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

C. Licensor agrees forthwith to direct and hereby authorizes Licensee [or, the licensee named in said license] to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment to Licensor and have not been paid prior to the date of this contract and, at the same time and place, to pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

D. Licensor agrees forthwith to direct and hereby authorizes Licensee [or, the licensee named in said license], as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, (a) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (b) at the same time and place, to pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

E. Licensee agrees forthwith to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties which are due for payment to Licensor and have not been paid prior to the date of this contract and, at the same time and place, to pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

F. Licensee agrees that, as and when any of the subject royalties fall due for payment to Licensor on or after the date of this contract, Licensee (a) shall forthwith deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of the said subject royalties and (b) at the same time and place, shall pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

ARTICLE ----- *Refund of royalties and price reduction.* G. (a) Licensee agrees (i) to deliver to [name and address of officer or board] a written report signed by Licensee showing the amount and manner of computation of that part of the subject royalties not heretofore paid to Licensor, which have heretofore accrued or may hereafter accrue in respect of supplies, equipment, materials or parts thereof delivered prior to -----, 194- [date when price reduction is to become effective] and (ii) at the same time and place, to pay to the Treasurer of the United States so much of the said subject royalties as are in excess of the reduced royalties specified in Article 2 hereof.

(b) Licensee agrees (1) to reduce the contract price of all supplies, equipment, material and parts thereof delivered to the Government on and after the date set forth in clause (a) of this Article, to the extent necessary to secure to the Government the full benefit of the reduced royalties specified in Article 2 hereof, and (ii) to pay or credit to the Government, as the Contracting Offi-

cer concerned may direct, the amount of such price reduction.

(c) *Contract articles providing for release of infringement claims.* In preparing royalty, adjustment contracts which contain a definition of the term "said inventions" (see clauses (a) and (b) of § 813.1329, Art. 1), the following contract articles are appropriate for release of infringement claims in the cases specified below:

(1) If the licensee whose royalties are being adjusted is *non-exclusive*, the following contract article is appropriate whether or not licensee is a party to the contract:

ARTICLE ----- *Release of past infringement.* Licensor hereby releases each and every claim and demand which Licensor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement of any patent covering the said inventions by reason of the manufacture, use or sale of any article or material or the use of any process prior to the date of this contract or the use or sale thereafter of any article or material so manufactured.

(2) If the licensee, whose royalties are being adjusted is *exclusive*, the following contract article is appropriate provided both Licensor and Licensee are parties to the contract:

ARTICLE ----- *Release of past infringement.* Licensor and Licensee hereby jointly and severally release each and every claim which they or either of them now have or may hereafter have against the Government, its officers, agents, servants and employees, for infringement of any patent covering the said inventions by reason of the manufacture, use or sale of any article or material or the use of any process prior to the date of this contract or the use or sale thereafter of any article or material so manufactured.

(f) *Mandatory contract articles in royalty adjustment agreements executed by the Government.* (1) The "Officials not to Benefit" article (§ 803.322) and the "Covenant against Contingent Fees" article (§ 803.323) are required in every royalty adjustment contract which is executed by the Government.

(2) The "Anti-discrimination" article (§ 803.325) is required in contracts executed by the Government except where the performance of the contract does not involve the employment of persons (see subparagraph (8) of § 809.994a (a)).

(3) The "Assignment of Rights" article (§ 803.355) is required if the contract is executed by the Government and provides for payments by the Government aggregating \$1,000 or more (see § 803.355).

(g) *Contracts between the Government, the licensor and the licensee.* (1) Where the licensee uses the licensed inventions solely in connection with articles which he sells directly to the Government, and the licensee is party to the contract adjusting the royalties, the contract shall (unless the Director otherwise directs) provide that the future benefits of the royalty adjustment shall inure to the Government in the form of a corresponding price reduction. In such case the appropriate contract articles are articles A and G of paragraph (d).

(2) Where the licensee uses the licensed inventions solely in connection with articles which he sells to contractors or subcontractors for the Government, the contract may provide either (a) for

price reduction (using articles A and G of paragraph (d)), the latter suitably modified in subclause (b) thereof to provide that the price reduction applies to deliveries "to contractors and subcontractors for the Government", or (b) to effect running recapture from licensee of excess royalties (using articles A, E and F of paragraph (d)).

(3) If licensee uses the licensed inventions in part in connection with articles which he sells directly to the Government and in part in connection with articles which he sells to contractors and subcontractors for the Government, the contract may provide either (i) for segregation by licensee of the two aspects of his business, with price reduction applied to the first-mentioned part and running recapture from licensee of excess royalties applied to the second-mentioned part, or (ii) for running recapture from licensee of excess royalties in respect of both parts without price reduction or segregation. In such cases the appropriate contract articles are those mentioned in subparagraphs (1) and (2) above, suitably modified as circumstances require.

(4) Attention is called to the provisions of paragraphs (e) and (f) relating to release of infringement claims and mandatory articles in royalty adjustment contracts to which both the licensee and the Government are party.

(h) *Contracts between the Government and the licensor which are not executed by the licensee.* (1) Where the excessive portion of the future royalties is to be refunded by the licensor, and the licensee is not a party to the contract, the appropriate contract articles are articles A and B of paragraph (d).

(2) Where the excessive portion of future royalties is to be refunded by the licensee, and the licensee is not a party to the contract, the appropriate contract articles are articles A, C and D of paragraph (d).

(3) Contracts executed by the Government and the licensor, and not executed by the licensee, are not appropriate where the license is exclusive and a release of past infringement claims is to be obtained, since an exclusive licensee should join in giving such a release.

(4) Attention is called to the provisions of paragraph (f) relating to the use of mandatory articles in royalty adjustment contracts to which the Government is a party.

(i) *Unilateral agreements executed by licensor alone.* Voluntary adjustments of royalty may be informally and expeditiously accomplished by a form of unilateral agreement executed by the licensor alone and not by the licensee or the Government. Such agreements may be prepared using War Department Contract Form No. 29 as a basis, subject to the following modifications:

(1) The preamble and "Now, Therefore" clauses should be rewritten in form appropriate to a unilateral agreement.

(2) The first "Whereas" clause of § 813.1329 should be modified to substitute the name and address of licensee in place of the word "Licensee".

(3) The second and third "Whereas" clauses of § 813.1329 should be used without substantial change. It is advisable

to recite (as in the third "Whereas" clause) that licensor has requested the Secretary of War to forbear from giving notice under the Act, in order that there will be consideration for the licensor's promise.

(4) The fourth "Whereas" clause of § 813.1329 should be omitted.

(5) In § 813.1329, Art. 3 the appropriate articles would be those specified in subparagraphs (1) or (2) of paragraph (h).

(6) The provisions of § 813.1329, Articles 5 and 7 should be omitted.

(7) Provision should be made at the foot of the contract for execution by licensor alone.

(i) *Action required when royalties have been voluntarily adjusted.* When royalties chargeable to the War Department have been voluntarily adjusted with the participation of any delegate, he or the chief of the technical service concerned shall promptly report the adjustment to the Director. Such report is required whether or not the United States is party to any contract in connection therewith, and whether or not the Director's approval is required for such contract. The report shall include:

(1) A memorandum of facts (in triplicate), containing so far as practicable and appropriate the information listed in § 811.1112 (aa) and, in addition, a statement of:

(i) The nature and extent of the adjustment.

(ii) Estimated benefits to the Government.

(iii) Methods proposed for supervision or control of the Government's interest.

(iv) Future action contemplated.

(2) Sufficient copies of the agreement for distribution by the Director to interested agencies (a total number equal to the number of licensors and licensees, plus three).

(3) Three copies of the withdrawal of notice (if a notice had previously been given) and three copies (one duly executed by the licensor) of the consent and release specified in subparagraph (3) of § 811.1112 (i).

(4) If the adjustment is embodied in a contract executed on behalf of the Government and requiring approval of the Director, the contract shall be transmitted in form ready for signature by the Director accompanied by the recommendations of the delegate or technical service having the matter in hand.

(k) *Copies to the Chief, Patents Division, Office of The Judge Advocate General.* In the case only of an adjustment which is embodied in a contract executed on behalf of the Government and requiring approval of the Director, a copy of each document required in that case by paragraph (j) to be transmitted to the Director, shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the

transmittal of the originals thereof to the Director.

§ 811.1114 *Agreements in settlement and compromise after an order is made and before suit against the United States has been instituted.* (See § 811.1112 (g).)

(a) *Approval required.* Every agreement in settlement and compromise of a claim against the United States accruing in consequence of the making of an order under the Act is subject to the approval of the Director.

(b) *Submission for approval.* (1) The contract in an appropriate number of copies each executed by all necessary parties and by a delegate on behalf of the United States, shall be transmitted to the Director ready for execution by him, accompanied by a report containing:

(i) A full statement of all relevant facts and circumstances, and

(ii) The recommendations of the chief or deputy chief of the originating technical service that the contract be approved.

(2) One copy of the proposed agreement and of the report accompanying the same shall be forwarded to the Chief, Patents Division, Office of The Judge Advocate General, concurrently with the transmittal of the originals thereof to the Director.

SUBPART H—MISCELLANEOUS MATTERS

In § 811.1188 paragraph (c) is amended to read as follows:

§ 811.1188 *Advertising.* * * *

(c) *Ratification.* Prior to the promulgation on 3 September 1943 of paragraph (b), the chiefs of the technical services had not expressly been delegated authority to authorize advertising. The Judge Advocate General, however, in the opinion referred to in paragraph (a) expressed the view that the delegations set forth in § 801.107 (f) gave the Director, Purchases Division, Headquarters, Army Service Forces authority to approve advertising; and that the action of the chiefs of the technical service in authorizing advertising may "be ratified by the Director of the Purchases Division, if it is determined that such action facilitated the prosecution of the war". Accordingly, if any advertising was done subsequent to 29 June 1942 and prior to 3 September 1943, without approval of the Director, Purchases Division, Headquarters, Army Service Forces (or some higher authority) a request may be made to said Director that such advertising be ratified; the request should be accompanied by a full statement of the facts and a determination by the chief of the technical service that such advertising facilitated the prosecution of the war. Advertising done on or subsequent to 3 September 1943 may be authorized or ratified by the Chiefs of the technical services, without the necessity of submission to the Director, Purchases Division, Headquarters, Army Service Forces.

[Procurement Reg. 13]

PART 813—FORMS OF CONTRACTS

Section 813.1329 is added, as follows:

§ 813.1329 *W. D. Contract Form No. 29.*

WAR DEPARTMENT CONTRACT ADJUSTING ROYALTIES¹

Contract No. _____
Negotiated

This contract, entered into this _____ day of _____, 19____, by the United States of America (hereinafter called the Government), represented by the officer executing this contract, and _____ (hereinafter called Licensor),
1 a corporation organized and existing under the laws of the State of _____
1 a partnership consisting of _____
a partnership consisting of _____
1 an individual trading as _____ of the City of _____ in the State of _____, and _____ (hereinafter called Licensee),
1 a corporation organized and existing under the laws of the State of _____
1 a partnership consisting of _____
1 an individual trading as _____, of the City of _____ in the State of _____ witnesseth that

Whereas, on or about the _____ day of _____, 19____, Licensor and Licensee entered into an instrument of license, a copy of which is annexed hereto and marked Schedule A, which provides for the payment to Licensor of royalties at the rates or in the amounts therein specified;

Whereas, said royalties are charged or chargeable to the Government in connection with procurement of supplies, equipment or materials delivered or to be delivered to or for the War Department, and the Secretary of War has made inquiry whether said royalties are unreasonable or excessive and contemplates giving notice under the Royalty Adjustment Act in respect thereto (or, the Secretary of War believing said royalties to be unreasonable and excessive has, on or about the _____ day of _____, 19____, given notice in respect thereto under the Royalty Adjustment Act);

Whereas, Licensor has requested the Secretary of War to forbear from giving notice under the Act (or, has requested the Secretary of War to forbear from making an order under the Act) and, in consideration of and during the continuance of such forbearance, Licensor is willing to adjust the rates or amounts of said royalties in the manner and to the extent herein set forth; and

Whereas, this contract is authorized by Sec. 3 of the Royalty Adjustment Act;

Now, therefore, the parties have agreed as follows:

ARTICLE 1. *Definitions.* Where used in this contract, the following terms have the meanings here assigned to them, viz:

(a) "said license" means the instrument of which a copy is annexed hereto and marked Schedule A;

(b) "said inventions" means each and all of the inventions whose practice is licensed in and by said license;

¹ Delete all lines which do not apply.

(c) "the Act" and "Royalty Adjustment Act" means the Royalty Adjustment Act 1942 (Public No. 768, 77th Congress; 35 U. S. C. 89-96);

(d) "notice under the Act" means the notice contemplated by Section 1 of the Act;

(e) "period of this agreement" means the period of time beginning the ____ day of _____ 19____ [date as of which the royalty adjustment is to take effect] and ending when the head of any department or agency of the Government gives notice under the Act that the reduced royalties specified in this contract are believed to be unreasonable or excessive, but in any event ending when Sections 1 and 2 of the Act are no longer in force;

(f) "subject royalties" means royalties at the rates or in the amounts specified in said license, and in any other license heretofore granted by Licensor, accruing in respect to the practice of said inventions during the period of this agreement, which said royalties are charged or chargeable to the Government; and

(g) "Secretary of War" includes any officer or board exercising the powers, duties and authorities of the Secretary of War under the Act in respect of said license or said inventions.

ART. 2. *Royalty reduction.* Licensor agrees that the subject royalties shall be and they are hereby reduced to ____% [or, reduced to an amount not exceeding \$____ in any calendar year], and Licensor acknowledges that the reduced royalties herein specified are fair and just taking into account the conditions of wartime production.

ART. 3. *Royalty refund* (see § 811.1113 (d), (g) and (h)).

ART. 4. *Release of past infringements* (see § 811.1113 (e)).

ART. 5. *Withdrawal of notice and release* (for use only if a notice under the Act has previously been given).

The notice under the Act, heretofore on or about the ____ day of _____, 19____ issued on behalf of the Secretary of War in respect of the royalties specified in said license, is hereby withdrawn and Licensor consents to such withdrawal and, in consideration thereof, hereby releases any and all claims or demands now held by the Licensor against the United States, or any officer or agent thereof, arising out of the issuance of said notice.

ART. 6. *Reserved rights.*

Nothing herein contained shall limit the right of the head of any department or agency of the Government, including but not limited to the Secretary of War, to give notice [or, further notice] under the Act if at any time it is believed that the reduced royalties specified in Article 2 hereof are unreasonable or excessive, nor shall the Government be deemed to have approved the rates or amounts of said reduced royalties or be estopped at any time to contest the validity or scope of, or the title to, any patent in respect of which said royalties are payable.

ART. 7. *General provisions.*

(a) *Officials not to benefit* (see subparagraph (1) of § 811.1113 (f)).

(b) *Covenant against contingent fees* (see subparagraph (1) of § 811.1113 (f)).

(c) *Anti-discrimination* (see subparagraph (2) of § 811.1113 (f)).

(d) *Assignment of rights hereunder* (see subparagraph (3) of § 811.1113 (f)).

ART. 8. *Successors and assigns.* This agreement shall be binding upon the parties, their successors and assigns, and shall not be affected in the event that any provision of the Act or the application thereof to any person or circumstance is held invalid.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By _____
(Signature (and title) of delegate)

Two witnesses:

_____	_____
(Address)	(Business address)
_____	_____
(Address)	(Business address)

¹The foregoing contract is hereby approved in behalf of the Secretary of War.

²By direction of the Under Secretary of War:

[Leave two lines blank]
²Director, Purchases
Division Headquarters, Army
Service Forces.

[Procurement Reg. 15]

PART 815—TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

SUBPART A—POLICY AS TO TERMINATION OF CONTRACTS AND SUPERVISION OF TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

Organization and Responsibility for Terminations

Section 815.223 is added, as follows:

§ 815.223 *Inter-service relationship in settlement of terminated contracts.* (a) In order to avoid duplication of effort on the part of Government and contractor personnel, complete responsibility for accounting examinations and for approving disposition of termination inventory in the settlement of terminated contracts of selected contractors may be assigned by the Readjustment Division, Headquarters, Army Service Forces, to designated technical services. A list of contractors now assigned to designated technical services is set forth in § 815.492 (j). Further assignments will be made after consultation with the chiefs of the technical services concerned.

(b) The designated technical service will (1) make all accounting examinations and (2) approve all dispositions of termination inventory (prior to any acquisition of title by the Government), in connection with settlement proposals of the particular contractor arising from the termination of its prime contracts with the War Department or subcontracts which it holds under prime contracts of the War Department. The nature of the accounting examination to be required in each particular case will be determined by the designated technical service, in the absence of specific instructions of the contracting officer having jurisdiction of the terminated contracts or subcontract (see § 815.424).

(c) Contracting officers of the War Department, prime contractors of the

¹Delete all lines which do not apply.

²To be added if the contract is subject to approval by the Director, see subparagraph (2) of § 811.1113 (c). Agreements originating in the Army Air Forces should carry the legend specified for an order, see § 812.1112 (t).

War Department, and subcontractors under prime contracts of the War Department, will rely on accounting reports made under authority of this paragraph, and the prices at which termination inventory is retained or disposed of by a contractor with the approval of the chief of the designated technical service under authority of this paragraph, or his duly authorized representative, will be recognized and accepted for all purposes, including any termination settlement made with a contracting officer of another technical service. No authorization which might otherwise be exercised by prime contractors under § 815.437a (relating to accounting examinations and approval of property disposals in subcontract settlements involving less than \$10,000) will be exercised in settling a subcontract of a contractor now or hereafter assigned to a designated technical service pursuant to this paragraph, except with the approval of that service; but if any action has been taken pursuant to such authorization, it will nevertheless be valid and binding.

(d) Instructions relating to accounting examinations and to disposition of termination inventory as authorized under this paragraph, are set forth in § 815.492 et seq. and § 807.211, respectively.

(e) The chief of a technical service to which a contractor is assigned under this paragraph may designate a district or depot or other local office to carry out the duties imposed under this paragraph. Any such district, depot or other local office may—to the extent authorized by the chief—communicate directly with other contractors, contracting officer, or procurement offices in connection with any matters arising from the terminated contracts or subcontracts of the contractor in question.

(f) A. S. F. Circular No. 89, dated 21 March 1944, Part Two, Section V, sets forth a memorandum dated 18 March 1944, signed by (then) Acting Secretary of the Navy Forrestal and the Under Secretary of War, on the subject of joint contract termination field accounting representatives for the War and Navy Departments. The foregoing memorandum is in no way modified or superseded by this section; but it is intended that the program outlined in this paragraph shall go forward as between the technical services of the War Department.

SUBPART E—PROCEDURES RELATING TO TERMINATION OF LUMP SUM SUPPLY CONTRACTS

Preparation and review for contractors' and subcontractors' accounting statements and proposals for settlements: Accounting guides to a negotiated settlement

Section 815.492 is added, as follows:

§ 815.492 *Accounting examinations under interservice plan.*—(a) *Initiation of accounting examination.* The technical service to which a particular contractor has been assigned pursuant to § 815.223 should proceed with an accounting examination whenever it is

satisfied that a termination claim of such contractor under a war contract of the War Department has arisen. Also at the request of any contracting officer of a technical service which has terminated a contract with such a contractor, the technical service to which the contractor has been assigned will proceed at once with such accounting examination.

(b) *When accounting reports should be submitted.* (1) When a proposal for settlement of a prime contract is to be reviewed, the report of the accounting examination may properly be prepared and submitted to the contracting officer having jurisdiction, subject to later application of disposal credits. Where termination inventory is disposed of after the making of a report, the contracting officer may request a supplemental report showing the application of disposal credits and the adjusted net amount of the settlement proposal.

(2) Where a proposal for settlement of a subcontract is to be reviewed, the report of the accounting examination should not, in general, be submitted to the contracting officer until (i) all termination inventory has been disposed of by the contractor or (ii) an agreement has been reached for storage or removal of such inventory pursuant to Subpart F-1 of this part. A preliminary report may, however, be requested at any time by a contracting officer as an aid to negotiation or in connection with the making of a partial payment, or for any other purpose. A preliminary report may also be prepared for the contracting officer when, in the opinion of the chief of the responsible technical service, such action will expedite settlement. The extent to which information, contained in such reports, should be transmitted to the purchaser named therein, will, in cases of doubt, be determined by the contracting officer.

(c) *Allowance of profit in settlement proposals of subcontractors.* Each settlement proposal of a subcontractor will indicate the amount of profit, if any, which is sought by the subcontractor, and the accounting report, without passing upon its reasonableness, will contain clear reference thereto. The amount of profit to be allowed will be the subject of negotiation between the subcontractor and his customer (see § 815.436), and is subject to the approval of the contracting officer in conformity with the provisions of § 815.437.

(d) *Uniform rates of profit recommended.* The technical service to which a particular contractor has been assigned pursuant to § 815.223 should, where possible, secure from such contractor a statement of policy with respect to the rates of profit to be claimed by it under its prime contracts and under its subcontracts. Any such statement, together with the recommendation of the designated technical service as to the reasonableness of the rate or rates claimed, should be communicated to the contracting officers concerned. The setting of uniform rates of profit on comparable contracts will, it is believed, expedite approvals by contracting officers. With respect to the setting of rates of profit to

be claimed on subcontracts, the principles set forth in § 815.436 will be observed.

(e) *Reports of accounting examinations of prime contractors' claims.* (1) Reports of accounting examinations of claims arising from termination of prime contracts will be made in the manner and form prescribed in TM 14-1005, chapter 4, section 11 "Reports." Copies of such reports should be submitted to the contracting officer.

(2) Every effort should be made to resolve all questions of an accounting nature prior to making the report of the accounting examination. Consultation with the contracting officer may eliminate questions which would otherwise delay or qualify the report.

(f) *Reports of accounting examinations of subcontractors' claims.* (1) Ordinarily it will be possible to prepare an unqualified short form report of the accounting examination made of a claim arising from termination of a subcontract. Copies of such reports should be submitted directly to the subcontractor and the contracting officer having jurisdiction. The subcontractor may then transmit its settlement proposal to its customer, accompanied by the accounting report on which the customer is authorized by § 815.223 to rely. The contracting officer will retain his copy of the report for use in the event that the settlement is submitted to him for approval or ratification in conformity with § 815.437.

(2) As in the case of reports relating to prime contracts every effort should be made, in consultation with the contracting officer if necessary or desirable, to resolve all questions of an accounting nature prior to making the report of the accounting examination.

(3) A short form report of accounting examination in substantially the following form will be acceptable:

REPORT OF ACCOUNTING EXAMINATION OF SUBCONTRACT

An accounting review has been made of the settlement proposal of _____ in the amount of \$_____ arising from termination of purchase order No. _____ issued by _____ to _____ dated _____, the same being stated by claimant to be a subcontract under a prime contract between the United States and _____. bearing No. W _____. In respect to costs, the settlement proposal appears to have been prepared on an acceptable accounting basis. Profit of \$_____ is claimed, but no opinion is here expressed regarding the reasonableness of such claimed profit. The inclusion of any amount agreed upon in settlement of this subcontract, in a termination settlement of a prime contract with the Government, is contingent upon the establishment of its relationship through intervening contracts and upon any required approval of the contracting officer administering the prime contract. Contracting officers and intervening contractors are authorized to rely on this report without instituting an additional accounting examination.

In making its settlement proposal, the buyer named above will rely upon this report and may qualify accordingly his own certificate as to the extent of his examination of this settlement proposal.

Signature of person authorized by responsible technical service to execute this report.

Date _____

(4). In the event that the settlement proposal of a subcontractor with respect to a subcontract includes items not susceptible of an accounting determination, the accounting report should be prepared in the form and manner prescribed for reports of accounting examinations of settlement proposals relating to prime contracts. (See paragraph (e) above).

(g) *Identification of contracts.* The coding in a contract number may be utilized as a means of indicating the contracting agency concerned. War Department contracts are numbered to indicate the technical service involved by use of letter designations as follows:

Transportation Corps.....	(TC)
Medical Corps.....	(MD)
Signal Corps.....	(SC)
Chemical Warfare Service.....	(CWS)
Quartermaster.....	(QM)
Engineer Corps.....	(Eng.)
Ordnance.....	(Ord.)
Army Air Forces.....	(AO)

In addition War Department contracts are numbered in a manner to indicate the contracting office involved as identified in Chapter 8 of the War Department Fiscal Code.

An example of numbering war contracts by the technical services follows:

W 30-075 Eng. 123

Interpreting the above example, "W" represents War Department, the digits "30" signify the State of New York, the digits "075" signify District Engineer, New York City; the abbreviation "Eng." signifies Corps of Engineers, and the digits "123" the number allotted to the contract, either by the district or a sub-office. The first and second digits will always be the same for a district, regardless of the number of sub-offices in that district. Except for training school contracts, Army Air Forces contract numbers will not indicate the district to which the contract is applicable, making it necessary to review the contents of the contract to determine the district involved. Copies of the War Department Fiscal Code (TM 14-700) may be obtained by requisitioning the appropriate local Adjutant General or Air Service Command Depot.

(h) *Control records.* Appropriate control records will be maintained covering the individual settlement proposals processed for each contractor assigned. Suggested information to record may include:

- Serial number of claim assigned by field auditor.
- Identification number assigned contractor.
- Number of Government prime contract affected.
- Contractor's job order number.
- Name of service.
- Name and address of Contractor's customer.
- Customer's purchase order or contract number.
- Date contract terminated.
- Amount of gross charges.
- Date received for accounting review.
- Date review of gross charges completed.
- Date receipt of property disposition data.
- Amount of net settlement proposal reviewed.
- Date net settlement proposal reviewed.
- Date report released.

(i) *Administrative reports.* Reports of progress for each contractor assigned to a technical service pursuant to § 815.223 will be prepared in accordance with prescribed instructions of that service and will be delivered to an office or officer designated by the chief of that service, so as to be available for review by higher authority. It is contemplated that reports of progress should be required at least monthly and should include the following as a minimum:

(1) Number and dollar volume of settlement proposals.

(i) On hand at the beginning of the month;

(ii) Received during the current month;

(iii) Covered by reports released during month;

(iv) On hand at end of the month.

(2) Segregation of settlement proposals on hand at end of the month (1) (iv) above) as follows:

(i) Number and dollar volume of settlement proposals for which accounting reviews have been made but on which final report is being held, pending receipt of property disposition data.

(ii) Number and dollar volume of settlement proposals for which accounting reviews of gross charges have not been completed. These proposals should be aged for number and dollar amount from the date received in accordance with the following classifications: Under thirty days; thirty to sixty days; and over sixty days.

(i) *Schedule of contractors.* The contractors named in the following schedule have been assigned to the technical services designated for operation of the plan described in the preceding paragraphs and in §§ 815.223 and 807.211.

Contractor, Technical Service, Contracting Office, and Effective Date

AC Spark Plug Div., General Motors Corp., Flint, Mich.; Ordnance Department; Detroit Ordnance District; 8 Feb. 1944.

Allis Chalmers Mfg. Corp., West Allis, Wis.; Ordnance Department; Chicago Ordnance District; 27 Jan. 1944.

Aluminum Co. of America, Pittsburgh, Pa.; Army Air Forces; Eastern Procurement District; 1 Feb. 1944.

A. O. Smith Corp., Milwaukee, Wis.; Army Air Forces; Mid-Central Procurement District; 1 June 1944.

American Car and Foundry Co., Berwick, Pa.; Ordnance Department; Philadelphia Ordnance District; 1 Apr. 1944.

Bendix Aviation Corp., Philadelphia Division, Philadelphia, Pa.; Army Air Forces; Eastern Procurement District; 15 Feb. 1944.

Bendix Aviation Corp., Eclipse Pioneer Div., Teterboro, N. J.; Army Air Forces; Eastern Procurement District; 1 Feb. 1944.

Bendix Aviation Corp., South Bend, Ind.; Army Air Forces; Mid-Central Procurement District; 25 Jan. 1944.

Eaton Manufacturing Co., Cleveland, Ohio; Army Air Forces; Central Procurement District; 15 Apr. 1944.

Goodrich Tire & Rubber Co., Akron, Ohio; Ordnance Department; Cleveland Ordnance District; 15 May 1944.

Goodyear Tire & Rubber Co., Akron, Ohio; Army Air Forces; Central Procurement District; 15 Apr. 1944.

International Harvester Co., Chicago, Ill.; Ordnance Department; Chicago Ordnance District; 17 Apr. 1944.

Pump Engineering Service Co., Cleveland, Ohio; Army Air Forces; Central Procurement District; 15 Apr. 1944.

Sperry Gyroscopic Co., Brooklyn, N. Y.; Army Air Forces; Eastern Procurement District; 16 Aug. 1944.

Thompson Products Co., Cleveland, Ohio; Army Air Forces; Central Procurement District; 15 Apr. 1944.

Wright Aeronautical Co., Paterson, N. J.; Army Air Forces; Eastern Procurement District; 15 Aug. 1944.

Zenith Radio Corp., Chicago, Ill.; Signal Corps; Philadelphia Procurement District; 1 June 1944.

SUBPART F-1—REMOVAL OF PROPERTY FROM CONTRACTORS' PLANTS

1. The caption for Subpart F-1 is amended to read as set forth above.

2. The centered caption appearing immediately before § 815.868 is deleted, and § 815.868 is revoked,¹ as follows:

§ 815.868 *Government-owned facilities.* [Revoked]

SUBPART G—FORMS

The centered caption appearing immediately before § 815.936 is amended to read as follows: "Instructions to Contractors".

[F. R. Doc. 44-11745; Filed, August 7, 1944; 10:14 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4693]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RUDOLF LESCH FINE ARTS, INC., ET AL.

§ 3.24 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of art pictures, prints, etchings, reproductions of paintings, and allied products, and on the part of the six respondent corporations, and their officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties to this proceeding, to (1) fix or establish uniform discounts, or adhere to or maintain any discounts so fixed or established; (2) establish or maintain classifications of customers or prospective customers, or fix or maintain discounts predicated upon such classifications; (3) circulate or exchange among themselves lists showing classifications of customers or prospective customers; (4) hold meetings or otherwise confer among themselves for the purpose of establishing or maintaining uniform discounts or classifications of customers or prospective customers; or (5) engage in any act or practice substantially similar to those set out in this order with the purpose or effect of establishing or maintaining uniform dis-

¹The revocation of § 815.868 was effected by Change 38, 9 July 1944.

counts or classifications of customers or prospective customers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) (Cease and desist order, Rudolf Lesch Fine Arts, Inc., et al., Docket 4693, July 19, 1944)

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1944.

In the Matter of Rudolf Lesch Fine Arts, Inc., a Corporation, New York; Graphic Society, Inc., a Corporation, Erich S. Herrmann, Inc., a Corporation, David Ashley, Inc., a Corporation, Raymond & Raymond, Inc., a Corporation, International Art Publishing Company, Inc., a Corporation, Reinthal & Newman, Inc., a Corporation, and International Frame and Picture Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, brief in support of the complaint, and briefs in opposition thereto on behalf of respondents Rudolf Lesch Fine Arts, Inc., and International Frame and Picture Company, Inc. (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Rudolf Lesch Fine Arts, Inc., New York; Graphic Society, Inc., Erich S. Herrmann, Inc., David Ashley, Inc., Raymond & Raymond, Inc., and International Art Publishing Company, Inc., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of art pictures, prints, etchings, reproductions of paintings, and allied products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties to this proceeding, to do or perform any of the following acts or things:

1. Fixing or establishing uniform discounts, or adhering to or maintaining any discounts so fixed or established.

2. Establishing or maintaining classifications of customers or prospective customers, or fixing or maintaining discounts predicated upon such classifications.

3. Circulating or exchanging among themselves lists showing classifications of customers or prospective customers.

4. Holding meetings or otherwise conferring among themselves for the purpose of establishing or maintaining uni-

form discounts or classifications of customers or prospective customers.

5. Engaging in any act or practice substantially similar to those set out in this order with the purpose or effect of establishing or maintaining uniform discounts or classifications of customers or prospective customers.

It is further ordered, That these respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondents Reinthal & Newman, Inc., and International Frame and Picture Company, Inc.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-11752; Filed, August 7, 1944;
10:21 a. m.]

TITLE 29—LABOR

Chapter IX—War Food Administrator (Agricultural Labor)

[Specific Wage Ceiling Reg. 19, Amdt. 1]

PART 1102—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF CALIFORNIA

WORKERS ENGAGED IN PICKING AND CUTTING PEACHES IN CERTAIN CALIFORNIA COUNTIES

Section 1102.12 (9 F.R. 7377) is hereby amended as set forth below:

Paragraph (b) (1) is revised and amended to exclude from the term "Area A" that portion of Merced County lying north of Merced River and east of San Joaquin River.

Paragraph (b) (2) is revised and amended to include within the term "Area B" that portion of Merced County lying north of Merced River and east of San Joaquin River.

(56 Stat. 765, 50 U. S. C. App. Supp. 961 et seq., 57 Stat. 63; Pub. Law 34; 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 831, 6011)

Issued this 5th day of August 1944.

PHILIP BRUTON,
Director of Labor.

[F. R. Doc. 44-11713; Filed, August 5, 1944;
11:07 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 250, 2d Ed.]

PART 622—CLASSIFICATION

IDENTIFICATION OF CERTAIN REGISTRANTS

Pursuant to authority contained in the Selective Training and Service Act

of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend § 622.81 to read as follows:

§ 622.81 *Identifying classified registrants over 38 years of age and under 45 years of age.* Whenever a classified registrant, except certain registrants in Class IV-E described below, has reached or hereafter reaches the thirty-eighth anniversary of the day of his birth and has not attained the forty-fifth anniversary of the day of his birth, he shall be identified in all records by following his classification with the letter "(H)." For example: If such registrant is in Class I-A, he shall be identified thus, "Class I-A (H)." If such registrant is in Class II-B, he shall be identified thus, "Class II-B (H)." The identification "(H)" shall be used for each such registrant regardless of his classification except that a registrant in Class IV-E who has been assigned to work of national importance under civilian direction shall not be so identified prior to his release from such assignment.

The foregoing amendment to the Selective Service regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

AUGUST 5, 1944.

[F. R. Doc. 44-11738; Filed, August 5, 1944;
4:11 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 58 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 3, Interpretation 1 to Direction 8]

RATINGS FOR FLAT WICK LAMP BURNERS

The following interpretation is issued with respect to Direction 8 of Priorities Reg. 3:

Direction 8 of Priorities Regulation 3 invalidates all preference ratings lower than AA-3 issued for the purchase of flat wick lamp burners. It specifically states that persons receiving orders bearing such ratings may fill them as unrated orders. This includes orders for flat wick lamp burners with ratings lower than AA-3 received prior to the date of the direction as well as orders subsequently received. In other words, if the flat wick lamp burners had not been shipped by the date of the direction, the unfilled orders rated lower than AA-3 must be treated as unrated.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11799; Filed, August 7, 1944;
11:57 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Revocation of Direction 17]

Direction No. 17 to CMP Regulation No. 1 is hereby revoked.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11800; Filed, August 7, 1944;
11:57 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 6, Schedule A, as Amended August 7, 1944]

CONSTRUCTION LIMITATIONS

§ 3175.6a. *Schedule A of CMP Regulation 6—(a) Principles governing war-time construction.* The principles governing war-time construction are defined in the Directive for War-Time Construction, dated May 20, 1942. The War Production Board and the Army-Navy Munitions Board interpret these principles as limiting all construction to a design of the simplest type consistent with structural stability and sufficient only to meet the immediate minimum functional requirements.

The guiding principle should always be to utilize those materials which are most plentiful and which, in the ultimate analysis, will cause the least interference with the production of combat matériel and the utilization of transportation and power.

(b) *What these construction limitations do.* These construction limitations apply to construction authorized on Form GA-1456. They do not apply to any other kind of construction. Construction authorized on Form GA-1456 must be performed in accordance with the provisions of Appendix I and Appendix II (which are part of this schedule) unless a waiver is granted on the authorization.

These construction limitations restrict the use of the materials and equipment listed, including materials to be incorporated in products where the materials are purchased through a fabricator or supplier by using the assigned allotment symbol or preference rating. They do not apply to:

The use of used materials except where specifically restricted.

The use by manufacturers of materials directly allocated to manufacturers for incorporation into "B" products (as defined in CMP Reg. 1).

The use of materials incorporated in "A" products of the kind required to be listed in section III of Form WPB-617 (manufacturing, processing or service equipment).

(c) *Amendments to construction limitations.* The Construction Limitations

may be amended from time to time. When a restriction on the use of an item is changed or removed by an amendment to the Construction Limitations issued after an authorization, the builder may, if he chooses, disregard the old restriction and follow the new provision. This applies to builders who have received authorizations on Form GA-1456, subject to the Construction Limitations dated February 1, 1944, or subject to Schedule A to CMP Regulation 6. It does not apply to changes made in Appendix II (formerly Appendix A) of the Construction Limitations.

(d) *Exceptions.* If any exceptions to the restrictions are required, the exceptions must be stated and justified in the application for authority to acquire or construct facilities (WPB-617). Authorization will be made on Form GA-1456 or GA-1456A.

(e) *Structural design.* All building construction using more than 5 tons of structural steel or more than 5 tons of reinforcing steel (including mesh) or any stress grade lumber shall be designed in accordance with the applicable provisions of the War Production Board Directive No. 8 "National Emergency Specifications for the Design, Fabrication and Erection of Structural Steel for Buildings" as amended, and/or Directive No. 9 "Design of Reinforced Concrete Buildings" as amended, and/or Directive No. 29 "Design, Fabrication and Erection of Stress Grade Lumber and its Fastenings for Buildings" as amended. If any waiver of the provisions of the above directives is required, the reasons for requesting such waiver must be stated in the application.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX I—RESTRICTIONS

NOTE: Appendix I amended Aug. 7, 1944.

A. Structural steel.

Construction requiring the use of structural steel should not be employed when masonry or plain or reinforced concrete using forms as called for under K-3 below can be used.

1. Junior beams may not be used.
- B. *Steel plates.*
 1. Plates may not be used except for:
 - a. Closed pressure tanks.
 - b. Structural connections.
 - c. Column bases and bearing plates.
 - d. Where necessary for connections and reinforcing when used for repair and strengthening of bridges.

C. Steel sheet and strip (produced from a sheet or strip mill).

1. The use of steel sheet and strip, plain or formed, is prohibited except for the following:

- a. Evacuation tubes, superimposed upon fans, not exceeding 30 feet in height.

2. The use of the following manufactured items (purchased as such) when made from sheet or strip is prohibited:

Bins
Bookstacks
Bridge Splash Guards
Culverts

Concrete Pile Casings
Corner, door and column guards
Flooring
Joists
Portable Buildings
Roofing and Siding
Shower Stalls
Scuppers
Smoke Stacks
Termite Shields heavier than No. 24 U. S. gauge

Trench Covers
Ventilation and heating ducts except for transitions, fittings, connections, and changes in direction, and for straight runs where metal is required by applicable building codes
D. *Railroad track and cranes.*

1. Except for operating railroads, the following are prohibited:

- a. New rails over 60 pounds per yard.
- b. New metal ties and tie plates.
- c. Used tie plates, except for rails weighing 60 pounds or less per yard, and turnouts, crossovers, curves of more than 4 degrees, and bridge track of any weight.

E. *Hardware.*
1. The use of checking floor hinges and hydraulic door closers is prohibited except as follows:

- a. Where self-closing function is required by applicable fire regulations.
- b. For exterior entrance and exterior exit doors of public and industrial buildings.
- c. Where essential in hospitals.

F. *Metal lath.*
1. The use of metal plastering base and accessories is prohibited for exterior use, except as permitted in paragraph 3 below.

2. The use of metal plastering base and accessories is prohibited for interior use except:

- a. Cornerite, stripite, corner bead and flush base screed
- b. In hospitals, detention, asylum and school buildings

(1) Under wood joists subject to fire hazard (as defined by applicable building codes), and under bar or concrete joists, and where furred ceilings are required

(2) For resistance to earthquakes where required by applicable codes

(3) For chases, pipe furring and wood stairways

(4) Where Portland cement plaster is used as a functional requirement

3. The restrictions in 1 and 2 above do not restrict the use of (1) combination form and reinforcement for cast-in-place slabs (2) woven or welded steel wire, cloth, fabric or netting without paper or other backing for exterior stucco base.

G. Aluminum.

1. The use of aluminum and aluminum products is prohibited:

- a. For ornamental and decorative work
- b. In any of the forms and shapes described as a controlled material in CMP Regulation 1 except:

(1) For electric bus bars, electrical conductors and current carrying accessories for conductors.

(2) Where essential for processing.

H. Copper and copper-base alloys.

The use of copper and copper-base alloys (new or used) is prohibited for the following:

1. Pipe or tubing including fittings except:
 - a. Where essential for processing
 - b. Solder nipples or ferrules

2. Building materials, whether fabricated or unfabricated, as follows:

Access panels
Anchors and dowels
Cornices
Drip pans
Fences and gates

Cooling towers, except for current carrying parts and bearings and worm gears for speed reducers and heat exchangers

Decorative metal work
Flashings and flashing valley lining
Gravel stops and snow guards
Grilles, grids and gratings
Gutters, leaders, downspouts, sheet metal expansion joints and accessories thereto
Lightning rods, cables and accessories
Louvers and marquees

Mouldings and trim
Nails, bolts, screws, nuts, rivets, washers and expansion shields

Ornamental metal work

Partitions

Railings

Reglets

Radiator shields and covers

Roofs, roofing and other roofing items

Sheet, roll, strip and rod for construction

Sinks and drain boards

Stair treads, nosing and edgings

Store fronts

Strip for laying linoleum

Terrazzo strip

Termite shields

Thresholds and caddies

Tie rods

Ventilators and skylights

Vents

Weatherstripping and insulation

Window frames and sills

I. *Tin.* The use of tin and tin products is prohibited except as follows:

1. *Solder:*

a. Not over 40% tin in solder (1) for wiping water service pipe, connecting the piping of a structure with the outside water main, (2) for assembly and repair of galvanized iron or zinc tanks.

b. Not over 35% tin in solder (1) for assembly and repair of galvanized iron items (except tanks) where the assembly is done with a "cold-chamber iron", (2) for wiping lead sheathed cable joints or lead pipe joints.

c. Solder for electrical connections may be used only to the extent that solderless connectors; not containing copper or copper-base alloys, will not serve, and then not over 35% tin content.

d. Not over 30% tin in solder for all other uses not covered above, and then only to the extent that substitution of either a less critical material or use of less tin content is impracticable.

2. *Roasting*—but onlyterne plate for repair purposes.

3. *Fuses, fuse plugs, and sprinkler head fuses.*

J. *Zinc.* 1. The use of zinc and zinc products is prohibited:

- a. For ornamental and decorative work
- b. In the form of sheet, strip and rod except:

(1) Where essential for processing

(2) Where the use of chemicals requires it.

K. *Lumber and lumber products.* Construction requiring the use of lumber 2" nominal thickness or less for framing of walls, floors, partitions, ceilings, and roofs should not be employed where other types of construction can be used.

1. The use of lumber is prohibited for the following:

- a. Sheathing of walls and roofs.
- b. Facing of partitions and ceilings.
- c. Siding.
- d. Fencing.
- e. Sub-floors.

2. Forms for concrete construction are restricted to the use of metal forms, used

lumber, reusable forms (including traveling), and highly water resistant plywood (see 8 below). To the extent that these types of forms are not available, lumber in any size may be used subject to the provisions of the next paragraph.

3. Where the use of lumber is not prohibited by these limitations or when an exception to a restricted use specified in K1 or K2 is authorized by the War Production Board, all lumber 2" nominal thickness less than 8" nominal width and all lumber less than 2" nominal thickness shall only be obtained from cutting local wood lots or from resawing or ripping sizes larger than 2 x 6 specifically for the project, unless a specific exception to this paragraph is granted in the authorization. (This restriction does not apply to the use of less than 2,500 board feet nor does it apply to finished flooring, mill work and trim.)

4. All lumber less than 2" nominal thickness, other than that used for finished floor, mill work and trim, shall be square edge.

5. The use of common grades of any kind of wood is prohibited for mill work and trim.

6. The use of end grain block flooring is prohibited except for repair and maintenance of existing floors of this type.

7. The use of Hardboard is prohibited.

8. The use of softwood plywood is prohibited except highly water resistant type when used for concrete forms (maximum reuse), but the use of softwood or hardwood plywood of any type is prohibited for concrete form liner.

The salvage of all reusable lumber, not specifically incorporated in a structure, is mandatory and its destruction is prohibited. Such lumber shall be made immediately available for reuse.

L. *Plumbing and heating.* 1. The use of pipe of weights heavier than required to meet maximum working pressure at the site is prohibited.

2. The use of metal sewer pipe outside the building is prohibited except for:

- Vents
- Within 5 feet of the building
- Cast iron pressure mains

3. The use of valves over 2" size with brass or bronze bodies is prohibited.

4. The use of condensate and vacuum pumps is prohibited except that a single pump is permitted on any heating system where the condensate cannot return to the boiler by gravity or when the design of the heating system requires that a high vacuum must be maintained.

M. *Mechanical ventilation.* 1. The use of mechanical ventilation is prohibited except for:

- Areas without natural ventilation
- Hospital spaces
- Spaces where industrial processes make its use mandatory.
- Interior toilet rooms and kitchens where gravity ventilation will not suffice

2. Ventilation systems for winter operation in locations as outlined above shall be of the re-circulatory type, with quantity of make-up and exhaust air reduced to the minimum required to meet health requirements.

N. *Electrical work.* 1. The use of electrical wire and cable in sizes larger than the minimum size permitted by the 1940 National Electrical Code as amended is prohibited.

2. The use of rigid metallic conduit is prohibited except for the minimum sizes permitted by the 1940 National Electrical Code as amended and then only:

a. In any size when the installation is in a hazardous location as defined by the 1940 National Electrical Code, Classes 1 to 4 inclusive.

b. In sizes over 2".

(1) For safety purposes as protection against mechanical injury.

(2) In wet locations as defined in Article 100 of the 1940 National Electrical Code.

(3) Where electrical conductors are to be enclosed within concrete or masonry.

c. In sizes 2" and under to suspend an industrial lighting fixture.

3. The use of electrical metallic tubing is prohibited except for the minimum sizes permitted by the 1940 National Electrical Code as amended and then only:

a. For safety purposes as protection against mechanical injury.

b. Where electrical conductors are to be enclosed within concrete or masonry.

c. When run in elevator hoistways for elevator power, control and signal wiring.

d. In wet locations as defined in Article 100 of the 1940 National Electrical Code.

e. To suspend an industrial lighting fixture.

4. The use of flexible metallic conduit or tubing is prohibited except for the minimum sizes permitted by the 1940 National Electrical Code as amended and then only:

a. To provide a flexible enclosure for:

(1) Electric wire or cable which is a component part of a machine.

(2) Electric wire or cable extending less than twelve (12) feet from electrical systems to current consuming devices or control equipment.

5. Armored cable (BX cable) may be used only for:

a. Uses permitted for flexible metallic conduit in Item N-4.

b. Remodeling and conversion of fireproof structures.

c. Control systems in connection with boilers.

6. Exterior lighting is prohibited except when mounted on buildings.

O. *Standby and emergency equipment.* Standby and emergency equipment is prohibited.

APPENDIX II—EQUIPMENT REQUIRING SPECIFIC APPROVAL INCLUDING EQUIPMENT FOR WHICH A SPECIAL APPLICATION FORM IS REQUIRED

Note: Appendix II amended Aug. 7, 1944.

A. All equipment, except equipment used in building services such as plumbing, heating, ventilating, lighting, and similar fixed installations, required for the project must be listed in section III of the application form. Incidental items of equipment costing less than \$500 for each item may be grouped in section III under general descriptive headings. Authorization to purchase or install items so grouped will be limited to the dollar value approved. Items shown under B and C of this appendix must be specifically listed as directed and may not be grouped.

B. For the following equipment the separate application form shown must be used and authority to purchase must be secured under the terms of the governing order. Such equipment must also be listed in section III of the application form. The special application form designated should be prepared and filed with the project application form whenever possible.

	Governing order	Separate WPB form
Animal, fish, and vegetable oil machinery and equipment.	M-203.....	1319
Boilers, power.....	M-203.....	2645
Chemical machinery and other machinery covered by M-203, table 15.	M-203.....	1319
Construction machinery (unused) listed on Sch. A of L-102.	L-102.....	1319
Construction machinery (used) listed on Sch. A of L-106.	L-100.....	1319
Dumb-walters, electrically operated (replacement).	L-89.....	1239
Elevators (replacement).....	L-89.....	1239
Fans, electric, for hospitals and industrial firms.	L-170.....	1319
Floor servicing machinery.....	L-222.....	1319
Furniture, office, metal.....	L-13-a.....	1319
Laboratory instruments on List A of L-144 (not industrial equipment).	L-144.....	1319
Liquefied petroleum gas equipment.	L-80.....	809
Motion picture projection equipment and accessories, 35 mm.	L-325.....	(3253 or 3254)
Office machinery, adding, tabulating, addressing, calculating machines, etc.	L-64-c.....	1639
Plastic molding machinery.....	M-203.....	1319
Ranges, domestic, electrical.....	L-23-b.....	1319
Refrigerators, domestic, mechanical.	L-5-d.....	852
Rubber processing equipment.....	L-143-a.....	1277
The retreading, recapping and repair equipment.	L-61.....	1319
Tracklaying tractors (unused).....	L-63.....	1319
Tracklaying tractors, tractor mounted equipment (used) listed on Sch. A of L-106.	L-100.....	1319
Transformers, distribution or power, which are either: (a) 250 KVA and larger, or (b) Smaller than 250 KVA, having special features, design characteristics or accessories as defined in Paragraph a of Block 4 of the instructions on Form WPB-2643.	M-203.....	2643
Trucks, power or mobile hoists.....	L-112.....	1319
Typewriters, new.....	L-64-a.....	1319
Vacuum cleaners, industrial.....	L-222.....	1319
Wire intercommunicating systems, telephonic.	U-5 or U-8.....	1319

C. For the following equipment application is ordinarily made on a separate form, but where the equipment is required for a project for which authorization is given on Form GA-1456 no separate application form is needed. Such equipment, however, must be listed in section III of the project application form and must be justified under section I "Exceptions to the Construction Limitations".

	Governing order
Air-conditioning and refrigerating equipment.....	L-38
Cooking equipment, commercial, electric appliances.....	L-65
Cooking equipment, commercial, heated by oil, wood, coal, or gas, including coffee urns, steam tables, ranges, etc., new or used.....	L-182
Dishwasher, commercial, new or used.	L-248
Dumb-walters, electrically operated, new.....	L-89
Elevators, new.....	L-89
Fire protective signal and alarm equipment.....	L-39
Laundry equipment.....	L-91
Pneumatic tube delivery systems.....	L-103
Scales, if \$50 or more for any single scale.....	L-100
Signal, public address, and intercommunication systems (electronic).....	L-265
Sterilizer equipment.....	L-266
Stokers, Class A, grate area under 36 sq. ft., over 60 pounds capacity per hour.....	L-75

Telephonic switching equipment or carrier equipment costing in excess of \$2,500.....	U-2
Teletypewriters, telegraph repeaters, telegraph switching or carrier equipment costing in excess of \$2,500.....	U-6
Vault doors.....	L-142

[F. R. Doc. 44-11801; Filed, August 7, 1944; 11:58 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 14, as Amended Aug. 7, 1944]

PINE TAR

§ 3293.1014 *Schedule 14 to General Allocation Order M-300*—(a) *Definition*. "Pine tar" means the liquid pine tar and tar oil, of all grades and weights which is obtained by distillation of pine wood by the retort or kiln process.

(b) *General provisions*. Pine tar is subject to allocation under General Allocation Order M-300, as an Appendix A material. The initial allocation date is May 1, 1944. The allocation period is the calendar month. The small order exemption is fifty-four gallons per person per month.

(c) *Special exemption*. Any producer who produces less than 500 gallons in any month after the initial allocation date, except by toll arrangement, and any person who purchases pine tar from such a producer shall be exempt for that month from the requirement of obtaining authorization from the War Production Board for the delivery, acceptance of delivery or use of any pine tar so produced or of any stocks of pine tar in the hands of such producer on the initial allocation date.

(d) *Suppliers' applications on Form WPB-2946*. (1) Each supplier seeking authorization to deliver pine tar shall file application on Form WPB-2946 (formerly PD-601) on or before the 20th day of the month preceding the month in which delivery is proposed.

(2) Form WPB-2946 should be completely filled in. The unit of measure is gallons.

(3) List individually the names of customers who have ordered more than the quantity permitted for small orders. No such order shall be listed or filled unless the customer has filed with the supplier the required Form WPB-2945. An aggregate quantity may be requested for "small orders" without listing the names of the individuals placing the small orders.

(4) Normally the War Production Board will issue its authorizations and directions for delivery by returning Form WPB-2946 to the supplier showing the amount which may be delivered to each customer and the aggregate amount which may be delivered to fill small orders.

(e) *Customers' applications on Form WPB-2945*. (1) Each person (including any supplier) seeking authorization to use or accept delivery of pine tar shall file application on Form WPB-

2945 (formerly PD-600) on or before the 15th day of the month preceding the month in which acceptance of delivery or use is proposed. Form WPB-2945 should be completely filled in. The unit of measure is gallons. Three copies (one certified) should be sent to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300, Schedule 14; one copy should be sent to the supplier; and one copy should be retained.

(2) Normally the War Production Board will issue its authorizations and directions for acceptance of delivery or use by returning Form WPB-2945 showing the amount of pine tar which may be accepted or used during the month.

(f) *Communications to War Production Board*. Reports and communications concerning this schedule shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300, Schedule 14.

NOTE: Forms WPB-2945 and WPB-2946 and the instructions in this schedule and in the appendices of Order M-300 for applications and reports regarding pine tar have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11803; Filed, August 7, 1944; 11:57 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 15 as Amended Aug. 7, 1944]

GLYCOLS

§ 3293.1015 *Schedule 15 to General Allocation Order M-300*—(a) *Definition*. "Glycols" means ethylene glycol, triethylene glycol, and physical mixtures containing ethylene glycol or triethylene glycol mixed with each other or mixed with propylene glycol or diethylene glycol. Special provisions for straight propylene and diethylene glycols are contained in paragraph (h) below.

(b) *General provisions*. Glycols are subject to the provisions of General Allocation Order M-300 as Appendix C materials. The initial allocation date is October 1, 1942, when glycols were first put under allocation by Order M-215 (revoked). The allocation period is the calendar month. The small order exemption per person per month is each and all of the following:

NOTE: "Propylene glycol" and "diethylene glycol" deleted from list Aug. 7, 1944.

	Pounds
Ethylene glycol.....	5,000
Triethylene glycol.....	600
Mixed glycols.....	1,000

Customers must furnish use certificates when ordering glycols in amounts described in paragraph (g) and must file on Form WPB-2945 when ordering glycols in amounts described in paragraph (f).

(c) [Revoked Aug. 7, 1944.]

(d) *Special anti-freeze provisions*. The restrictions of Order M-300 and of this schedule shall govern the use of glycols by any supplier in the manufacture of anti-freeze or motor coolant preparations, provided that:

(1) Any supplier may deliver completed anti-freeze or motor coolant preparations containing glycols without specific authorization under this order; and

(2) Nothing contained in this order shall be construed to permit the manufacture of anti-freeze in violation of General Limitation Order L-51 (§3293.11).

(e) *Supplier's applications on Form WPB-2947*. Each supplier seeking authorization to deliver glycols shall file application on Form WPB-2947. The filing date is the 19th of the month preceding the proposed delivery month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-15. The unit of measure is pounds. File a separate set of forms for each kind of glycol. A consolidated set of forms for each kind of glycol may be filed for all plants. In Table I, first list in Column 1 the names of customers who have filed WPB-2945 forms with the applicant and in Column 1a specify "WPB-2945"; second, list in Column 1 the names of customers who have filed use certificates with the applicant and in Column 1a transcribe the uses stated in such certificates; third, specify in Column 1 "aggregate small deliveries" and leave Column 1a blank; fill in other columns as indicated. Leave columns blank relating to rolling stock requirements. Fill in Table II as indicated. Inventory of glycol previously allocated for the supplier's own manufacturing use should not be reported on Form WPB-2947 (but should be reported in Table II of Form WPB-2945).

(f) *Customers' applications for authorization on WPB-2945*. Each person seeking delivery of glycols in excess of the following amounts shall file application for authorization on Form WPB-2945:

NOTE: "Propylene glycol" and "diethylene glycol" deleted from list Aug. 7, 1944.

	Pounds
Ethylene glycol.....	75,000
Triethylene glycol.....	2,600
Mixed glycols.....	5,000

The filing date is the 12th of the month preceding the month for which allocation is requested. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-15, one copy (reverse side blank) to the supplier and retain one copy. The unit of measure is pounds. File a separate set of forms for each kind of glycol. In Column 3 specify primary product according to the following classifications:

Anti-freeze (specify military or civilian in Col. 4)

Air for gas dehydration

Brake, hydraulic and de-icer fluids

Cellophane plasticizer

Coolant (specify in Col. 4 military or industrial)

Cosmetics

Cutting oils

Dentifrices and mouth washes
 Drugs
 Dynamite
 Foods and flavors
 General plasticizer (specify in Col. 4: cork crowns, cork gaskets, adhesives, coatings, glue or other)
 General textile manufacture (specify in Col. 4: coupling agent, soluble oil, dye solvent, softener, rayon yarn processing, or other)
 Molding and binder
 Radio condenser fluid
 Synthetic resin or chemical manufacture (Identify product in Col. 3 and use in Col. 4)
 Tobacco humectant
 Wood stain
 Export (as glycol)
 Inventory (as glycol)
 Miscellaneous (describe briefly in Col. 4)
 Resale (as glycol)

Leave Column 4 blank except as noted above.

Fill in Table II as indicated, specifying inventory on a physical basis regardless of authorizations or exemptions. However, a supplier who keeps separate inventories of glycol, both physically and on his books, for the purpose of sale and for his own manufacturing use, shall report in Table II only his inventory for his own use. Leave Tables III, IV and V blank.

(g) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of glycols between the following amounts per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed use in the form prescribed in Appendix D of General Allocation Order M-300, and describing proposed use as shown in paragraph (f) above:

NOTE: "Propylene glycol" and "diethylene glycol" deleted from list Aug. 7, 1944.

	Pounds
Ethylene glycol.....	5,000-75,000
Triethylene glycol.....	600-2,600
Mixed glycols.....	1,000-5,000

(h) *Production reports and directions regarding diethylene and propylene glycols.* (1) Each producer of diethylene glycol or propylene glycol shall file a report in triplicate on Form WPB-2947 with the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.: M-300-15, on or before the 19th day of each month, commencing with August 19, 1944. The heading of the form shall be filled in, Table I shall be left blank, and in Table II the producer shall specify diethylene glycol and propylene glycol and shall fill in Columns 9 through 14 accordingly. This report may be filed separately or may be included in any report filed under paragraph (e) above.

(2) The War Production Board may from time to time issue special directions with respect to production of diethylene or propylene glycol.

NOTE: Paragraphs (i) and (j), formerly (h) and (i), redesignated Aug. 7, 1944.

(i) *Approval of reporting requirements.* The above reporting provisions have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-15.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 44-11804; Filed, August 7, 1944; 11:57 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 19, as Amended Aug. 7, 1944]

POLYSTYRENE AND POLYDICHLOROSTYRENE

§. 3293.1019 *Schedule 19 to General Allocation Order M-300—(a) Definitions.* (1) "Polystyrene" means the polymers of styrene (vinyl benzene), but does not include the copolymers of styrene with other monomers such as butadiene or methyl methacrylate. The term "Polystyrene" does not include fabricated forms of polystyrene such as sheets, rods, tubes, molded parts, fibers, filaments or coated fabric, and does not include polystyrene scrap or polystyrene consisting entirely of reprocessed scrap.

(2) "Polydichlorostyrene" means the polymers of dichlorostyrene, but does not include the copolymers of dichlorostyrene with other monomers such as butadiene or methyl methacrylate. The term "polydichlorostyrene" does not include fabricated forms of polydichlorostyrene such as sheets, rods, tubes, molded parts, fibers, filaments or coated fabric, and does not include polydichlorostyrene scrap or polydichlorostyrene consisting entirely of reprocessed scrap.

(b) *General provisions.* Polystyrene and polydichlorostyrene are subject to the provisions of General Allocation Order M-300 as Appendix A materials. The initial allocation date for polydichlorostyrene is June 1, 1944, and for polystyrene is May 1, 1943, when polystyrene first became subject to allocation under Order M-170-a (revoked). The allocation period is the calendar month, and the small order exemption per person is 100 lbs. of polystyrene and 5 lbs. of polydichlorostyrene.

Small order quantities may be received in addition to allocated quantities for experimental use and also to complete current jobs for which polystyrene or polydichlorostyrene has been allocated,

notwithstanding paragraph (p) (2) of Order M-300. There shall be no limitations on duration of authority for use under this schedule, notwithstanding paragraph (v) of Order M-300.

NOTE: Paragraphs (c) through (f), formerly (d) through (g), redesignated, and former paragraph (c) revoked August 7, 1944.

(c) *Suppliers' applications on Form WPB-2946.* Each supplier seeking authorization to deliver polystyrene or polydichlorostyrene shall file application on Form WPB-2946 (formerly FD-601). The filing date is the 22nd day of the month before the proposed delivery month. Send three certified copies to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-300-19. File separate sets of forms for polystyrene and polydichlorostyrene. The unit of measure is pounds. Specify grade or physical form as stated in the customer's application. An aggregate quantity may be requested, without specifying individual customers' names for delivery on exempt small orders. Fill in Table II.

(d) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery of polystyrene or polydichlorostyrene shall file application on Form WPB-2945 (formerly PD-600). Filing date is the 15th day of the month before the requested allocation month. Send three certified copies to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-19, and one copy (reverse side blank) to the supplier if any. File separate sets of forms for polystyrene and polydichlorostyrene, and for each different supplier. The unit of measure is pounds.

In Column 3 specify each primary product, or specify "resale" or "Exports", if the polystyrene or polydichlorostyrene is to be resold or exported as such. In Column 4 specify the end use of each primary product, giving military contract numbers if practicable. In the case of exports specify the country of destination and export license number. Fill in the balance of Table I and fill in Tables II and III as indicated. Leave Tables IV and V blank.

(e) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(f) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Reference: M-300-19.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
 Recording Secretary.

[F. R. Doc. 44-11805; Filed, August 7, 1944; 11:57 a. m.]

PART 3294—IRON AND STEEL PRODUCTION
[Conservation Order M-126 as Amended
Aug. 7, 1944]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3294.63 *General Conservation Order M-126*—(a) *Definitions*. For the purposes of this order:

(1) The term "iron or steel" does not include "tin plate" and "terne plate" as defined by Supplementary Order M-21—(e), as amended, or screws, nails, rivets, bolts, wire, strapping or small hardware for joining or other similar essential purposes. The term does include stainless steel.

(2) The term "stainless steel" means corrosion or heat resistant alloy iron or alloy steel containing 10 per cent or more of chromium with or without nickel and/or other alloying elements.

(3) "Process" means cut, draw, machine, stamp, melt, cast, forge, roll, turn, spin or otherwise shape.

(4) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(5) The term "assemble" does not include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" also does not include adding finished parts to an otherwise finished article when the location of one or more of the added parts, or the size or type of one or more of the added parts, is determined by the use to which the ultimate consumer is to put the article.

(6) The term "Bessemer processed steel" means steel made by a process, in which air is blown through molten cast iron contained in a converter.

(7) The term "top cut" means that portion of a steel ingot rejected because it is not of sufficiently high quality for use on the order for which the ingot was melted, but which is normally used for some other purpose.

(b) *Restrictions with respect to List A products*—(1) *Raw material deliveries*. No person shall deliver or accept delivery of any iron or steel (including stainless steel) which he knows or has reason to know will be used to make any item on List A, any part thereof or repair part therefor.

(2) *Fabrication prohibition*. No person shall process any iron or steel (including stainless steel) to make any item on List A, any part thereof or repair part therefor.

(3) *Assembly*. No person shall assemble any item on List A, any part thereof or repair part therefor, if it con-

tains any iron or steel (including stainless steel).

(4) *Finished item deliveries*. No person shall deliver or accept delivery of any item on List A, any part thereof or repair part therefor, which he knows or has reason to know was made, assembled or delivered in violation of any applicable provisions of this order as amended from time to time.

(c) *Exemption for Army-Navy-Maritime orders*—(1) *List C items*. In the case of any item on List C ordered by or for the account of the Army or Navy of the United States, the United States Maritime Commission and the War Shipping Administration, or to other persons pursuant to the authorization by the Maritime Commission on Form WPB-646 (formerly PD-300) or ordered for physical incorporation into material to be purchased by or for the account of such agencies, the kind and amount of iron or steel required by the specifications (including performance specifications) applicable to the purchase order or contract may be delivered for and used in the manufacture of the item unless List C says otherwise. However, no stainless steel shall be used unless List C specifically says that it may.

(2) *Other items*. In the case of all articles or parts not governed by List A or C (including those articles and parts excepted from List A), when specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration call for a particular kind or amount of iron or steel (including stainless steel) the iron or steel specified may be used.

(d) *Restrictions on manufacture when the use of iron and steel is not elsewhere prohibited in this order*. No person shall use any iron or steel to make any article or part for which it would be practicable to use other less scarce material.¹ No person shall use more iron or steel in making any article or part than is necessary. No person shall use any alloy steel (including stainless steel) to make any article or part for which it is practicable to use carbon steel or iron (other than iron included under the definition of stainless steel).

(e) *Restrictions with respect to other scarce materials*. No person shall use as a substitute for any iron or steel (including stainless steel) any material more critical¹ than the material which he is prevented from using by this order.

(f) *Disposition of frozen and excessive inventories*. The disposition of frozen and excessive inventories containing iron or steel (including stainless steel) shall

¹The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply".

be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34).

(g) *Miscellaneous provisions*—(1) *Applicability of regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(2) *Appeals*. Any appeal from the provisions of this order must be made on Form WPB-1477 (formerly Form PD-500) and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(3) *Applicability of order*. The prohibitions and restrictions contained in this order shall apply whether the items are ordered or manufactured pursuant to a contract made prior to, on, or subsequent to May 5, 1942, or pursuant to a contract supported by a preference rating or allotment insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the use of any material in the production of any item, the limitations of such order shall be observed.

(4) *Intra-company deliveries*. The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including affiliates or subsidiaries, but also from one branch, division, or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

(5) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Installation*. The restrictions of this order shall not apply to the installation of an item or part for the ultimate consumer on his premises or to any putting into process, processing or assembling of the item or part incidental to the installation when done on the premises of the ultimate consumer.

(7) *Repair*. The restrictions of this order (other than those contained in paragraph (d)) shall not apply to a person repairing a used article on or off the premises of the owner, if the person making the repair does not use iron or steel weighing in the aggregate more than 25 pounds and if any putting into process, processing or assembling done by such person is for the purpose of making the specific repair. This para-

graph (g) (7) does not limit the manufacture of repair and maintenance parts when List A permits the making of such parts.

(8) *Restrictions on manufacturing in certain labor areas.* When List A indicates that the manufacture of a particular item is subject to this paragraph (g) (8), no person shall put into process, process, or assemble any iron or steel (including stainless steel) to make any such item or any part thereof, unless such processing or assembling is to take place in a manufacturing establishment located in groups 3 or 4 of the labor market areas as may be from time to time designated by the War Manpower Commission.

Issued this 7th day of August 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

NOTE: List A amended August 7, 1944.

"A" Frames and booms for lighters of 15 ton capacity and under.
Access panels—except as required by Underwriters Codes.
Accessories, soda fountain.*
Acoustical ceilings.
Advertising novelties.
Air-conditioning systems—except as may be permitted under Limitation Orders L-38 and L-126.
Amusement park devices and roller coasters.*
Area walls.
Ash sleeves—except as may be permitted under limitation orders in the L-30 series.
Asparagus tongs.
Atomizers, perfume-boudoir.
Attic fans.
Automotive accessories—except those items the production of which as automotive replacement parts is permitted under Limitation Order L-158, as amended from time to time, whether produced as replacement parts or as original or optional equipment for new vehicles.
Automotive heaters—except when produced as replacement parts under Limitation Order L-158.
Awning frames and supports—except that a person may process during the year 1944, in the manufacture of all awning frames and supports not more than 75% of the amount of iron and steel used by him in making awning frames and supports during the year 1941. All iron and steel used must be from idle or excessive inventories reported to Steel Recovery Corporation or to the War Production Board, or must be scrap.
Bag, purse and pocketbook frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Balers, paper, for household use.
Ball park equipment including but not limited to:
Cages.*
Fences.
Lighting systems—except lamp bulbs.
Metal bases.
Protective netting.*
Railings.
Rollers.

*Maintenance and repair parts excepted.

Score boards.
Screens.*
Seats.*
Tampers.
Banks, personal, toy, miniature.
Barber and beauty shop furniture.
Barber and beauty shop supplies, machines and equipment.*
Barn pushers and scrapers.
Barrel hoops and fittings—except when made with iron or steel other than stainless steel.
Barware and bar accessories.
Bases on refrigerating machines below one H P—except as may be permitted under Limitation Orders L-38 and L-126.
Baskets—(i) except for commercial cooking, industrial and laboratory uses; (ii) except baskets of the type used in self-service food markets; (iii) except as may be permitted under Limitation Orders in the L-30 series; and (iv) except for agricultural purposes as may be permitted under Limitation Order L-257. Stainless steel may not be used for any basket except for baskets for heat-treating, pickling and plating and for repair and maintenance parts.
Baths, steam, all types.
Bath tubs—except as may be permitted under Limitation Order L-42.
B-B shot for air rifles.
Beach umbrellas—except as may be permitted under Limitation Order L-62.
Bed pans—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-30-b.
Beds—(i) except hospital beds, and (ii) except other beds as may be permitted under Limitation Order L-49.
Bed spring frames—except as may be permitted under Limitation Order L-49.
Beer kegs—except hoops and fittings for wooden kegs.
Beer mugs.
Beer stands.
Beer steins.
Bench legs—except industrial.
Beverage bottle cases, including but not limited to, beer and all soft drinks.
Bicycle racks.
Binding, linoleum—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Binoculars—except for U. S. Government Agencies.
Bins and screens—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Bird cages and bird cage stands.
Bird houses and feeders.
Biscuit boxes—except as may be permitted under Limitation Orders in the L-30 series.
Blackboards.
Blade stropers, mechanical.
Bleachers and grandstands.*
Blocks, hat.
Blue print machines—(i) except parts coming in contact with chemicals; and (ii) except for other parts when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Boards, sounding.
Boat hooks.
Bobbin heads—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-98.
Boiler casings—except when made with iron or steel other than stainless steel and in

accordance with Limitation Orders L-42, L-186, L-187 and L-199.
Book ends.
Boot jacks.
Bottle coolers—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-38.
Bottle holders—except hospital.
Bowling alleys, bowling pins and accessories.*
Boxes and trays for jewelry, cutlery, combs and toilet sets.
Boxes, meter, for household use—(i) except covers; and (ii) except reinforcing for concrete.
Braces, extensible steel, trench.
Branding, marking, and labeling devices—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-83 and L-202.
Bread and cake boxes, household—except as may be permitted under Limitation Orders in the L-30 series.
Bread slicers for home use—(i) except knives; and (ii) except as may be permitted under Limitation Orders in the L-30 series.
Brewing, distilling, and processing equipment for alcoholic and non-alcoholic beverages, including bottling equipment—except when their production is permitted under Schedule VIII of Limitation Order L-292 and when made in accordance with Limitation Order L-292.
Bridge splash guards.
Brush-backs—(i) except industrial; and (ii) except brush-backs other than industrial when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Buckets and pails—(i) except to fill orders of chemical plants and plants handling explosives and (ii) except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series, L-214, L-257 and Schedule IV of L-292 to fill other orders.
Buckles for clothing—except as may be permitted under Limitation Order L-68.
Buckles for pocketbooks and shoes—except as may be permitted under Limitation Order L-68.
Builders' hardware—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-236.
Builders' supplies—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Building ornaments.
Buildings, portable.
Burial lowering devices.
Butter chips.
Butter knives.
Buttons for clothing—except as may be permitted under Limitation Order L-68.
Cabinets—except as may be permitted under Limitation Orders L-13-a, L-62, L-91 and under Schedule 3 to Limitation Order L-214.
Cafeteria and restaurant equipment—except when made with iron or steel other than stainless steel provided that stainless steel may be used for operating parts for repair and maintenance purposes.
Cake cutters.
Cake icing equipment.
Cake tongs.
Calendar and memo pad stands—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Calliopes or steam organs.
Candy display dishes.
Canes.
Canopies, hoods and supports—except brooder canopies.
Cans, containers and closures—except (i) shipping packages; and (ii) cans, containers and closures as may be permitted under Orders M-81, L-103-b and L-197.
Car washing machines—except as may be permitted under Limitation Order L-270.
Carillons.
Carpet rods.
Carriers, casket.*
Carrouseis (Merry-go-rounds).
Carving set holders.
Cash boxes.
Cash registers.*
Casket hardware—except as may be permitted under Limitation Order L-64.
Casket trucks, undertaker's—except wheels.
Ceilings.
Chafing dishes.
Chains and cables—(i) except for heat-treating, pickling and plating; and (ii) except for all other uses when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Chamber pots—except as may be permitted under Limitation Orders in the L-30 series.
Cheese dishes.
Cheese yats—except when their production is permitted by Schedule I of Limitation Order L-292 and when made in accordance with Limitation Order L-292.
Chicken crates.
Chicken house scrapers.
Christmas tree holders.
Christmas tree ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Cigar and cigarette holders and cases.
Cigar clippers.
Cigarette lighters—(i) except for spark wheels and springs; and (ii) except for all parts other than spark wheels and springs when made from iron or steel (including stainless steel) acquired from idle or excessive inventories reported to Steel Recovery Corporation or to the War Production Board, and then only subject to the provisions of paragraph (g) (8) of this order.
Cigarette package holders.
Cigarette making machines, hand.
Circus and carnival apparatus, equipment* and devices, including but not limited to:
Animal cages.*
Animal stands.
Tent standers.
Trailers.*
Trapeze bars.
Clamps, hair, including barrettes, decorative clips and fasteners (but not including common bob and hair pins and clamps for hair curling or waving)—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Clips for attaching baggage tags.
Clock cases—except on recording and controlling industrial instruments and heating system control equipment, and then only if made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Clocks, parts other than cases—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Clothes hampers.

Clothes lines.
Clothes line pulleys.
Clothes line reels.
Clothes racks and clothes dryers.
Clothes trees.
Clothing trim and dress ornaments—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Coal chutes and doors, household.
Coal pans.
Coasters and trivets for glass and hot containers.
Cocktail glasses.
Cocktail sets.
Cocktail shakers.
Coffee pots—except when made from iron and steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.
Combs, hair—except curry combs.
Compacts.
Control levers—except when made from iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Convectors, local and unit heaters—(i) except for heat controls; and (ii) except for parts other than heat controls when made with iron or steel other than stainless steel and in accordance with Limitation Order L-107.
Conveyors and conveyor chutes—(i) except where subject to high temperature or corrosive action, and (ii) except when made of iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Cooking stoves, commercial, electric—except as may be permitted under Limitation Order L-65.
Copy holders.
Corn poppers and machines.
Cosmetics and toiletries—except as may be permitted under Supplementary Order L-103-b.
Counter tops and edgings.
Covers for automotive leaf-type springs.
Covers and frames, manhole—(i) except for reinforcing for concrete covers.
Covers, meter frame—except for industrial use.
Crochet hooks.
Croquet sets.
Crumb trays—except as may be permitted under Limitation Orders in the L-30 series.
Crutches.
Culverts, including conduits, corrugated pipe and corrugated plates and arches for culverts—(i) except from top cuts and discard steel; (ii) except reinforcing bars for poured concrete; (iii) except other reinforcing made with iron or steel in the form of re-rolled rail stock, top cuts and discard steels; (iv) except nestable culverts for use outside of the continental limits of the United States; and (v) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Cups, drinking, of all kinds—(i) except for livestock; and (ii) except as may be permitted under Limitation Orders in the L-30 series.
Cups, other than drinking—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.
Curb guards.
Curler, hair, non-electric—except when made from material in the inventory of the manufacturer which was put into

process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Curtain stretchers.
Dampers, fireplace—except as may be specified by the War Housing Critical List.
Darners, coat.
Decorative iron products.
Deodorizing dispensers.
Desk equipment, including but not limited to:
Desk sets.
Desk pads.
Fountain pen and pencil stands.
Letter openers.
Name plates.
Paper weights.
Diaper cans, containers, and receptacles.
Dictaphone racks.
Dinner bells.
Dishes, saucers and plates—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.
Dishwashing machines—except commercial dishwashing machines as may be permitted under Limitation Order L-248.
Dishwashing racks, household.
Dispensers, hand, for:
Hand lotions.
Paper products.
Soap.
Straws.
Display forms.
Document stands.
Door chimes.
Door closers—except as may be permitted under Limitation Order L-236.
Door handles—except as may be permitted under Limitation Order L-236.
Door knockers.
Door mats.
Door stops—except as may be permitted under Limitation Order L-236.
Drain boards—except as may be permitted under Limitation Order L-42.
Drawer pulls—except as may be permitted under Limitation Orders L-13-a and L-260-a.
Dress forms.
Dummy police.
Dust collecting systems and equipment*—except on preference rating of AA-5 or higher.
Dust covers and enclosures*—except industrial.
Dyeing equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-215; and (ii) except for repair and maintenance parts as may be permitted under Limitation Order L-215.
Easels, all types.
Edgings, furniture and linoleum—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before December 5, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Ediphone racks.
Egg slicers.
Electric drinking water coolers—except as may be permitted under Limitation Orders L-38 and L-126.
Elevators, including doors and trim—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-83 and L-237.
Embalming tables.*
Enameled tile sheets and squares.
Enamel stove fronts.
Erasing knives.
Erasing shields.
Escalators.*
Exercise and reducing machines.*

*Maintenance and repair parts excepted.

Exhibition and fair apparatus and equipment,* including but not limited to:
Lighting equipment.
Racks.
Stands.
Fan stands, all types.
Fans, (i) except industrial; or (ii) except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-176.
Farm machinery and replacement parts therefor—(i) except high pressure sprayer valves, valve sets and nozzles; and (ii) except other parts when made with iron or steel other than stainless steel and in accordance with Limitation Order L-257.
Feed troughs, except as may be permitted under Limitation Order L-257.
Fences of all kinds, except:
(1) Plain, barbed, or twisted wire; woven or welded wire fence (except lawn and other ornamental fence); wire netting; wire flooring.
(2) Chain link fence, weighing not more than two pounds per lineal foot and not more than 0.33 pounds per square foot, for industrial plant protection only.
Fence posts—except as may be permitted under Schedule 14 of Limitation Order L-211.
Fernerles, metal.
Finger bowls.
Fireplace equipment, including but not limited to: andirons, fireplace screens, fireplace accessories and ash dumps but not including dampers and grates. See also the items "Dampers x x" and "Fireplace grates x x" on List A hereof.
Fireplace grates—except grates weighing not more than 40 lbs. each. No person shall process during the year 1944 in the manufacture of all fireplace grates weighing 40 lbs. each or less, more than 50% of the amount of iron and steel used by him in making all fireplace grates during the year 1941.
First aid kit boxes—except of the industrial type.
Fish aquariums.
Fishing tackle and equipment other than commercial—except as may be permitted under Limitation Order L-92.
Flag holders.
Flag poles.
Flashlights—except as may be permitted under Limitation Order L-71.
Floats for pageants, parades, advertising, etc.—except trucks.
Floor and counter covering trim—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Floor plates and floor coverings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.
Floor scrapers—except power driven.
Floral tools and floral hoes.
Florist supplies—except that iron or steel wire may be used which was drawn prior to June 19, 1942 or was sold to the manufacturer of florist supplies as scrap.
Flour, salt and pepper shakers—except as may be permitted under Limitation Orders in the L-30 series.
Flower boxes, pot holders and vases.
Flower shears.
Fly traps.
Food vending machines, including automats.
Foot baths—except as may be permitted under Limitation Order L-42.
Foot scrapers.

*Maintenance and repair parts excepted.

Forms for concrete construction—except concrete road forms when their production is permitted under Limitation Order L-192.
Fountains—(i) except fountains (other than ornamental fountains) when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-38 and L-42; and (ii) except for replacement parts for soda fountains of the following types: covers, breaker strips, milk cans and ice pans which may be made with any iron or steel including stainless steel.
Fountains, ornamental.
Frames, catch basin and grater, all types—(i) except when made from low-grade cast iron; and (ii) except for reinforcing for concrete covers.
Frames, clothes drying.
Frames for artists' canvas, darning and needle work.
Frames, steel blocking.
Fruit juice extractors, household—except as may be permitted under Limitation Orders in the L-30 series and L-65.
Furniture*—except as may be permitted under Limitation Orders L-13-a, L-62, Schedule 3 of L-214, L-226, L-249, L-254, and L-260-a, but subject to the prohibition on the use of stainless steel in "Mechanical drawing and drafting equipment" on this List A.
Furniture, hardware—except when made with iron or steel other than stainless steel and as may be permitted under Limitation Orders L-13-a, L-62, L-214, and L-260-a.
Galley and mess equipment—except when made with iron or steel other than stainless steel, provided that stainless steel may be used for operating parts for repair and maintenance purposes.
Galley, kitchen, cafeteria and restaurant paneling—except when made with iron or steel other than stainless steel.
Game and gambling devices.
Garage hoists, car lifts and racks—except as may be permitted under Limitation Order L-270.
Garbage grinders, household.*
Garden trowels.
Gas toasters, household.
Gates for fences*—(i) except as permitted under Limitation Order L-257; and (ii) except for use in connection with a construction project that has been authorized by the War Production Board, and in such case the purchaser should place the following certification (in addition to the certification in Priorities Regulation No. 7): Delivery approved on Form GA-1456 (or on Form WPB-2774 in the case of utilities).
Glassware holders and trim—except on cooking utensils.
Golf bag supports.
Grass shears.
Grass whips.
Grave markers.
Grilles, ornamental.
Grilles, sewers—except when made from low-grade cast-iron.
Grills, outdoor.
Guards for guy wires.
Gutters, spouting, conductor pipe and fittings for dwellings two stories or less in height*—except when the installation has been approved by the War Production Board.
H-Bar units.
Hair dryers, hand. See also the item "Barber and beauty shop, supplies, machines and equipment" on this List A for other hair dryers.
Hand seals for documents.
Hand weedeers.
Handles, broom and mop.

Hangers, all types—(i) except X-ray film hangers; and (ii) except for other types of hangers when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders. See the next item below for a type of hanger which may not be made with any iron or steel.
Hangers and track for garage doors for private use.
Hanger rings on brushes, brooms, etc.
Harness and saddlery fittings—except for draft, work and ranch animals.
Hat frames—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.
Hat-making machinery.*
Heat resisting pads for household use.
Hedge shears.
Highway crossing protection devices, electrical or mechanical.*
Highway guard rail, wire, strip and posts.*
Highway guard rail reflectors.
Hitching posts.
Holders, wire, all types—except as may be permitted under Limitation Orders in the L-30 series.
Hoops, galvanized wire for flower garden trim.
Hose clamps—except when made with iron or steel other than stainless steel.
Hose reels—(i) except fire fighting equipment; (ii) except for industrial use in direct fire hazard areas; and (iii) except as may be permitted under Limitation Order L-314.
Hospital, medical, dental and related equipment—only items listed elsewhere on this List A are restricted by any provisions of this order other than paragraph (d).
Hot water heaters, tanks and coils—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-65, L-185 and L-199.
House numerals.
Houses, poultry—except wire netting and except reinforcing for concrete, and except as permitted in the P-19 series of Orders.
Houses, tool and hog—except reinforcing for concrete, and except as permitted in the P-19 series of Orders.
Humidification devices—except as may be permitted under Limitation Orders L-39 and L-126.
Humidors.
Ice box exteriors—except as may be permitted under Limitation Orders L-7-c, L-38 and L-126.
Ice box parts other than exteriors—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-7-c, L-38 and L-126.
Ice cream cabinets (see item "Cabinets x x" on this List A).
Ice cream freezers, household.
Ice cream molds.
Ice cube trays.
Identification tags and badges (see "Tags and badges x x x" on this List A).
Incinerators—except for industrial or commercial use and except for housing as may be permitted by the War Housing Critical List.
Ink well holders.
Inlets, gutter, all types—except reinforcing for concrete.
Inlets, sewer, all types—except reinforcing for concrete.
Instrument dials and cases—except when made with iron or steel other than stainless steel and in accordance with other applicable War Production Board orders.
Insulation, metal reflecting type.
Ironing boards and stands—except as may be permitted under Limitation Order L-91.
Jam boxes—except as may be permitted under Limitation Orders in the L-30 series.

Jelly molds—except as may be permitted under Limitation Orders in the L-30 series.

Jewelry.

Jewelry cases.

Jugs, picnic, all types.

Kaleidoscopes.

Key chains, cases and rings.

Kitchenware—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.

Knitting needles.

Ladders and hoists, including fittings—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Ladders, step.

Lanterns and lamps—(i) except valves, controls and mantle-holders and except for miners' lamps; and (ii) except for parts of lamps other than valves, controls and mantle-holders and for all parts of lamps other than miners' lamps, when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Lanterns, magic.

Lard or vegetable oil tubs—except of a capacity of 5 pounds and over.

Laundry chutes.

Laundry trays—except as may be permitted under Limitation Order L-42.

Lavatories—(i) except for railway cars; (ii) except for hangers; and (iii) except as may be permitted under Limitation Order L-42.

Lavatory equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-42.

Lawn brooms.

Lawn edgers.

Lawn rakes.

Lawn rollers.*

Lawn tampers.

Lawn seeders.*

Lawn sprinklers.

Letter chutes.

Letter openers.

Letter trays.

Lighting equipment—(i) except when made with iron or steel other than stainless steel and in accordance with Limitation Orders L-78, L-168, L-212, L-235 and L-259; and (ii) except for use in floodlights, searchlights and other outdoor lighting equipment used in connection with aerial and marine navigation.

Lighting poles and standards.*

Linen hampers—except for frames.

Lipstick holders—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Livestock and poultry equipment—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-257.

Lockers—(i) except for oil refinery use; and (ii) except as permitted under Limitation Order L-13-a.

Locks—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-236.

Logs, artificial for gas—except as may be permitted under Limitation Order L-23-c.

Logs, artificial for electric fireplaces.

Luggage*—except as may be permitted under Limitation Order L-284.

Lunch boxes—except as may be permitted under Limitation Orders in the L-30 series.

Mail boxes—except as required by U. S. postal regulations.

Mailing tubes or cases—except for transportation of bacteria, cultures, serums, plasma and biological specimens.

(Marine hardware for pleasure boats.)*

Marquees.

Match boxes.

Match and pattern plates, matrices and flasks—except when made with iron or steel other than stainless steel and in accordance with any applicable War Production Board orders.

Material for housing not otherwise specified in this order—(i) except as may be specified by the War Housing Critical List; (ii) except metal windows as may be permitted under Limitation Order L-77; and (iii) except metal doors and metal door frames as may be permitted under Limitation Order L-142.

Measuring pumps and dispensers* (except those designed for use on trucks)—for gasoline station, garage and household uses including but not limited to:

Air pumps—except as may be permitted under Limitation Order L-270.

Grease guns—except as may be permitted under Limitation Order L-314.

Grease pumps—except as may be permitted under Limitation Order L-314.

Gasoline dispensing pumps.

Kerosene pumps.

Oil pumps—(i) except barrel pumps and lubesters; and (ii) except as may be permitted under Limitation Order L-314.

Meat molds—except when their production is permitted under Schedule VII of Limitation Order L-292 and when made in accordance with Limitation Order L-292.

Mechanical drawing and drafting equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Memorial tablets.

Menu holders.

Metal cloths—except insect screening and hardware cloth and for industrial processing.

Metal dust covers and enclosures—except for industrial use.

Milk bottle cases—but only if the manufacturer uses in any quarter more than an average of 4½ pounds of iron and steel per case (counting joining and essential hardware but not counting iron or steel acquired from idle and excessive inventories reported to Steel Recovery Corporation or the War Production Board, whether or not it is such hardware).

Millinery wire and glimps—except for hat brims.

Mirrors, hand.

Monograms and initials.

Mop wringers, household type.

Mortician's supplies and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Motion picture cameras,* except that for motion picture cameras of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

Motion picture projectors and projection equipment*—(i) except for motion picture projectors and projection equipment of the types the production and distribution of which is regulated by Limitation Order L-325; and (ii) except that for motion picture projectors and projection equipment of the types regulated by Limitation Order L-267, iron or steel may be used to the extent permitted under that order.

Motion picture screen stands.

*The items in parenthesis have been deleted. Their manufacture is prohibited or regulated by Limitation Order L-236 in the case of "Marine hardware for pleasure boats" and by Limitation Order L-180 in the case of "Scales, coin operated."

Motion picture sound reproducing equipment—except for motion picture sound reproducing equipment of the types the production and distribution of which is regulated by Limitation Order L-325.

Mud rangers.

Music stands.

Name, data and instruction plates for machinery and equipment—except when made from iron or steel other than stainless steel or when made from any steel obtained from idle or excessive inventory listed with Steel Recovery Corporation and, in each case, in accordance with any applicable orders of the War Production Board.

Napkin rings.

Necktie racks—except as may be permitted under Limitation Orders in the L-30 series.

Newspaper boxes or holders.

Novelties and souvenirs of all kinds—except that the assembling of artificial leaves, fruits, and flowers, and of feather ornaments shall be permitted when any iron or steel wire to be used was drawn on or before June 19, 1942, or was sold to the manufacturer of the artificial leaves, fruits, flowers, or feather ornaments as scrap.

Ornamental hardware and moldings.

Outdoor fireplace parts.

Outing capes.

Packing twine holders.

Pail clamps.

Paint spray outfits—except for industrial use.

Paper rollers, household—except as may be permitted under Limitation Order L-120.

Parasols, shafts and handles.

Park and recreational benches.

Parking meters.

Partitions.

Partition studs.

Pegs, tent.

Pencil holders.

Permanent wave machines.*

Pet beds.

Pet cages.

Pet dishes.

Pet equipment (except license tags) including but not limited to:

Carriers.

Chains.

Collars.

Feeders.

Houses.

Leashes.

Muzzles.

Phonograph motors, hand wound.

Phonograph record blanks.

Photographic accessories—(i) except accessories used in connection with X-ray; and (ii) except that for photographic accessories of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

Photographic equipment*—(i) except printing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; (iii) except that for photographic equipment of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order; and (iv) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blue print machines * * *" on this List A.

Physical reducing machines.

Picnic and outing boxes and accessories.

Picture and mirror hardware.

Plaques—except as may be permitted under Limitation Orders in the L-30 series.

Pipe cases.

Pipe cleaner knives.

Pipe posts.

Pitchers—except for hospital use.

Plant and flower supports.

Plates, light switch—except for cast conduit bodies.

*Maintenance and repair parts excepted.

Playground equipment—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before October 8, 1942, and then only subject to the provisions of paragraph (g) (8) of this order and only for sale to public recreation areas and Defense Housing projects.

Play pens (except casters), boxes and enclosures, children's.

Pleasure boats.

Pleasure boat equipment and accessories.

Plumbing and heating equipment:

Gas conversion burners.*

Gas fired boiler-burner units—except as may be permitted under Limitation Order L-187.

Gas fired furnace-burner units—except as may be permitted under Limitation Order L-22.

Oil fired boiler-burner units—except as may be permitted under Limitation Order L-187.

Oil fired furnace-burner units—except as may be permitted under Limitation Order L-22.

Steel heating boilers of 129 sq. ft. or less of heating surface.*

Pneumatic tube delivery systems*—except industrial.

Pocketbook ornaments.

Pole-line hardware—except when made with iron or steel other than stainless steel.

Polishing-wax applicators—except industrial as may be permitted under Limitation Order L-222.

Polishing-wax sprayers.

Portable bath tubs.

Poultry incubator cabinets—except as may be permitted under Limitation Order L-257.

Pulp, paper, paper products and converter machinery and equipment*—(i) except graphic arts machinery or equipment when its production is permitted under Limitation Order L-226; and (ii) except paper mill machinery as defined in Limitation Order L-83 and container machinery of the types listed on Schedule A of Limitation Order L-332.

Pumps, fresh water—(i) except industrial; and (ii) except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Push carts.

Push plates and kick plates, door.

Race track apparatus and equipment,* including but not limited to:

Mutuel ticket machines.

Parl-mutuel boards.

Race finish photographic equipment.

Starting gates.

Racks, display.

Racquets.

Radiator enclosures.

Radio antenna—except when made with iron or steel other than stainless steel.

Radio antenna poles*—except on preference ratings of AA-5 or higher.

Railings and barriers—(i) except for industrial use; (ii) except for metal fire escapes and fire towers; (iii) except for railing as may be permitted by the War Housing Critical List; (iv) except for the maintenance and repair of bridges; and (v) except for use in connection with a construction project that has been authorized by the War Production Board, and in such case the purchaser should place the following certification (in addition to the certification in Priorities Regulation No. 7): Delivery approved on Form GA-1456 (or on Form WPB-2774 in the case of utilities).

Railroad rail joint angle bars over 24" in length*—(i) except for replacement on used rails; and (ii) except for rail weighing more than 110 lbs. per yard.

Reading stands.

Reels, cable and rope.

Refrigerator boxes, walk-in—except as may be permitted under Limitation Orders L-38 and L-126.

Refrigerator containers and trays, household.

Refrigerator and refrigeration equipment—(i) except essential machinery parts; and (ii) except for parts other than essential machinery parts when made with iron or steel other than stainless steel. This item is subject to the provisions of the two previous items on this List.

Regalia.

Registers, hand tally.

Rodeo equipment, including but not limited to:

Animal trappings.

Fences.

Gates.*

Rolling boardwalk chairs.*

Rolling pins—except as may be permitted under Limitation Orders in the L-30 series.

Rotary door bells.

Rubber moulds—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Rug scrubbing and shampooing machines.*

Safety zone posts, rails, cables and platforms.

Salesmen's display cases and sales kits.

Salt and pepper holders—except as may be permitted under Limitation Orders in the L-30 series.

Sample boxes.

Sand boats.

Scaffolding—except for use in shipyards and industrial plants.

(Scales, coin operated.)*

Scenery and stage hardware equipment* (except lamp bulbs) for dramatic, theatrical and operatic use, including but not limited to:

Battens.

Cables.

Lighting equipment.

Stage drops.

Score boards.

Screen frames—(i) except for industrial processing; and (ii) except when made from material in the inventory of the manufacturer which was put into process to make this item on or before June 18, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Scrubbing boards.

Semaphores, traffic signal—except railroad.

Service food trays.

Sewer pipe, exterior installations*—(i) except for vents and within 5 feet of buildings; (ii) except for cast iron pressure mains; and (iii) except for reinforcing for concrete made from iron or steel in the form of re-rolled rail stock, "top cuts", or discard steel.

Shades, window and roller type—(i) except for railroad passenger cars, street cars, and busses; and (ii) except for roller mechanism on shades for all uses.

Sheet iron or hoop iron packings for cookies and sweet goods.

Shelves for domestic ice refrigerators, as defined by Limitation Order L-7-c.

Shelves, other than shelves for domestic ice refrigerators—except as may be made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Shirt and stocking dryers.

Shoe cleaning kits.

Shoe ornaments.

Show window lighting and display equipment.

Shower receptors and stalls—except as may be permitted under Limitation Order L-42.

*The items in parenthesis have been deleted. Their manufacture is prohibited or regulated by Limitation Order L-236 in the case of "Marine hardware for pleasure boats" and by Limitation Order L-190 in the case of "Scales, coin operated."

Shutters, window*—except as may be permitted under Limitation Order L-142.

Sidewalk scrapers.

Sign hanger frames.

Sign posts.

Signets.

Silos—except as may be permitted under Limitation Order L-257.

Sinks, sink aprons and sink legs—(i) except scullery sinks; and (ii) except as may be permitted under Limitation Order L-42.

Sink drainboards, both integral and removable—except as may be permitted under Limitation Order L-42.

Siphon chargers—except as may be permitted under Limitation Order M-233.

Sitz baths—except as may be permitted under Limitation Order L-42.

Skates, roller and ice, except when ordered by a public skating rink.

Skating rink apparatus and equipment.*

Skewers, all types.

Ski racks.

Sleds and sleighs—except runners.

Slide fasteners—except as may be permitted under Limitation Order L-68.

Slides, loops and slide-loops for work clothing—except as may be permitted under Limitation Order L-68.

Smokers' accessories—except pipe cleaners.

Snow shovels and pushers, hand—except as may be permitted under Limitation Order L-157.

Sod lifters.

Spading forks—children's.

Special industrial machinery of the following types:

Ceramic making machinery*—except as may be permitted under Limitation Order L-123.

Collapsible tube filling machines.*

Cosmetic machinery.

Coupon inserting machines.

Cut and monumental stone machinery.

Milk can machinery.*

Steel drum machinery—except for export purposes.

Tobacco machinery.*

Spittoons—except as may be permitted under Limitation Orders in the L-30 series.

Spools, for cord, ribbon or tape—except for adhesive tape and inked ribbon.

Spools for wire—(i) except traverse spools and spools used in industrial processing;

(ii) except spools for solder; and (iii) except other spools when made from strip or sheet classified as seconds or rejects, or from idle and excessive inventories reported to Steel Recovery Corporation or the War Production Board.

Sporting and athletic goods—(i) except cleats and spikes for athletic shoes; (ii) fishing tackle as permitted under Limitation Order L-92; and (iii) gymnasium equipment for programs approved by the United States Office of Education. Fully fabricated skates may be attached to athletic shoes without restrictions since the order does not regulate such assembly (see paragraph (a) (5)).

Spray containers, household.

Sprinkling cans, garden.

Stadiums.*

Stair and threshold treads,* household, institutional and commercial buildings—except for fire escape, fire towers and essential industrial use.

Stamped bakery equipment—except as may be permitted under Limitation Orders in the L-30 series.

Stands, all types—(i) except for essential industrial use; and (ii) except as may be permitted under Limitation Order L-54-c and L-199, and Schedule 3 of Limitation Order L-214.

Staple removers—except as may be permitted under Limitation Order L-73.

Staples—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

*Maintenance and repair parts excepted.

Starter shingle strips.
Statues.

Stokers, after August 31, 1943—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-75.

Storage racks, racks, cabinets or lockers—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

Store display equipment and show cases.
Store fronts.

Stretchers, carpet.
Stretchers, glove, sock and sweater.
Subway turnstiles.*

Sugar cube dryer trays.

Sugar holders—except as may be permitted under Limitation Orders in the L-30 series.

Sun dials.

Sun lamps and infra-red lamps—except as may be permitted under Limitation Order L-259.

Swimming pool equipment*, including but not limited to:

Diving boards.
Diving stands.
Ladders.
Slides.

Table name-card holders.

Table tops for household use—except as may be permitted under Limitation Order L-62.

Tablets.
Tags and badges, key, name; price; identification—(i) except personnel identification tags or badges where metal tags or badges are required for the protection of government agencies provided they are made with iron or steel other than stainless steel; (ii) except personnel identification tags or badges containing not more than $\frac{3}{4}$ ounce of iron and steel where metal tags or badges are required for protection of industrial plants provided they are made with iron or steel other than stainless steel; (iii) except metal tags required for identification of livestock and poultry and products made therefrom provided they are made with iron or steel other than stainless steel; (iv) except pin attached or wire attached tickets for price marking of soft goods; (v) except metal tags for marking and identification of metals in its production, shipment and application provided they are made with iron or steel other than stainless steel; (vi) except license tags for pets; (vii) except name, data, identification and instruction plates for machinery and equipment provided they are made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board; and (viii) except for laundry and dry cleaning identification.

Tanks (strapping excluded) for agricultural use—except as may be permitted under Limitation Order L-257.

Tanks, storage (strapping excluded) for beer.
Tanks (strapping excluded) for water*—(i) except for use in tropical climates; (ii) except of a height in excess of 100 feet; (iii) except for range boilers and hot water storage; and (iv) except pneumatic pressure tanks.

Tank towers (i) except over 20 feet in height supporting more than 100 tons; and (ii) except over 50 feet in height.

Teapots—except as may be permitted under Limitation Orders in the L-30 series.

Telephone bell boxes—except bases and where required for safety.

Telephone booths.

Telescopes—except for U. S. Government Agencies.

Tent frames and supports.

Termite shields—except as may be specified by the War Housing Critical List.

Terrazzo spacers and decorative strips—except hospital operating rooms.

Textile machinery—except as may be permitted under Limitation Order L-215.

Thermometer bases, household—except when made from iron or steel classified as seconds or rejects or from iron or steel taken from idle or excessive inventories listed with Steel Recovery Corporation or the War Production Board.

Thermos or insulated jugs and bottles over one quart size.

Thimbles, sewing.

Tickers, stock.

Ticket vending machines*—except for public transportation.

Tile, steel-back.

Toilet floats, cistern and low water-floats—except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-42.

Tongs, for food handling or for household use.

Tool boxes and cases—except for industrial use.

Tool handles—except for power driven tools and hand tools.

Traffic lane markers.

Trailer bodies—except as may be permitted under Limitation Order L-253.

Transplanting trowels—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Trophies.

Truck bodies—except as may be permitted under Limitation Order L-253.

Trunks*—except as may be permitted under Limitation Order L-284.

Tub covers.

Tubs, washing—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series.

Turf edgers.

Typewriter mechanism for pedestal and drop-head desks.

Umbrellas, garden—except as may be permitted under Limitation Order L-62.

Urinals—except as may be permitted under Limitation Order L-42.

Valve handles—except when made with iron or steel other than stainless steel.

Vanity cases—except when made from material in the inventory of the manufacturer which was put into process to make this item on or before August 14, 1942, and then only subject to the provisions of paragraph (g) (8) of this order.

Vending machines for sanitary napkins*—except as may be permitted under Limitation Order L-27.

Ventilators other than louver ventilators of the residential type, for use in walls, except when made with iron or steel other than stainless steel and in accordance with Limitation Order L-142 and other applicable orders of the War Production Board.

Ventilators, louver, for use in walls, residential type—except when made from shop shearings or trimmings.

Vibrators, electric—except for industrial use.

Voting machines.

Wagon bodies and frames—(i) except for construction use; and (ii) except for agricultural use as may be permitted under Limitation Order L-257.

Wardrobe trunks—except as may be permitted under Limitation Order L-284.

Waste paper receptacles.

Watch straps.

Water color paint boxes.

Water stills, household.

Water troughs—except as may be permitted under Limitation Order L-257.

Weather stripping—except for railroad cars.

Weather vanes.

Weed cutters and pullers, including dandelion, thistle and dock cutters and pullers—except when made from steel in the form of re-rolled rail stock or from idle or excessive inventory listed with Steel Recovery Corporation.

Wheelbarrow* (parts other than wheels) except for farm and dairy use; food processing; fish handling; coal yards and mines; for handling chemicals; hot materials, forgings and castings.

Wheel chairs—except frames and wheels.

Whiskey service sets.

Window display advertising.

Window shade rollers. See item "Shades xxx" on List A heretof.

Window stools.

Window ventilators—except for industrial and hospital use.

Wine coolers.

Wine service sets.

Wire parcel handles and holders.

Wire racks—(i) except for animal cages for biological work; (ii) except for industrial use; (iii) except for scientific laboratory equipment; (iv) except for agricultural use as may be permitted under Limitation Order L-257; and (v) except as may be permitted under Limitation Orders L-23-c and L-162, and under Directions to Orders in the L-30 series.

Work benches—(i) except for shipboard use; and (ii) except for industrial use where required for safety.

LIST C

Note: List C amended Aug. 7, 1944.

Access panels—for use on board ship, on military vehicles and artillery items and where climatic or safety conditions make necessary.

Access panels of stainless steel for radio equipment.

Accessories, soda fountain—for use on board ship.

Acoustical ceilings—for use on board ship.

Attic fans*—where climatic conditions make necessary.

Automotive accessories.

Automotive heaters—where specified for military vehicles.

Awning frames and supports—for use on board ship, military repair units, hospital installations, and military construction units.

Barber chairs—for use on board ship.

Barber shop supplies.

Baskets*—for cooking and manufacturing uses and for ordnance operations.

Baths, steam—for use on board ship.

B-B shot—for training and shot blast cleaning purposes.

Bench legs.

Binoculars.

Bird cages—for carrier pigeons.

Bird feeders—for carrier pigeons.

Bleachers and grandstands—but only straps and necessary fasteners for demountable wooden bleachers and grandstands.

Boat hooks.

Bobbin heads of non-nickel bearing stainless steel—for use on board ship.

Boiler casings of stainless steel*—for use on board destroyers and where required for corrosion or heat resistance on board ship.

Bottle holders—for use on board ship and in hospitals.

Boxes, meter, and covers.

Brush-backs for bore brushes.

Buckets and pails.**

Buildings, portable.

Cabinets* for mobile units such as maintenance company equipment (truck mounted), spare parts trucks and mobile reproduction units, and for electrical installations, and as may be permitted under Limitation Orders L-13-a, L-62, L-91, and Schedule 3 of L-214.

Cabinets of stainless steel for radar equipment.

Cable terminals, fittings and turnbuckles of stainless steel—for aircraft and use on board ship.

*Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.

*Maintenance and repair parts excepted.

Canopies, hoods, and supports.
 Cash boxes.
 Ceilings—for use on board ship.
 Chains and cables.**
 Cigarette lighters—when ordered by the Army Exchange Service, the Quartermaster Corps, the Bureau of Naval Personnel and the Marine Corps, for use by the Army, Navy, Marine Corps, Coast Guard, U. S. Maritime Commission, and War Shipping Administration.
 Clock bases.
 Clothes hampers—for use on board ship.
 Clothing trim.
 Control levers of stainless steel for aircraft.
 Conveyor and conveyor chutes for artillery equipment—stainless steel permitted where required.
 Counter tops and edgings—for use on board ship.
 Covers and frames, manhole.
 Covers, meter frame.
 Culverts—for airports, for use outside continental limits of the U. S., and where certified to the manufacturer or supplier as necessary by the Army or Navy engineer in charge.
 Cups of all kinds, drinking.
 Door stops.
 Dust collecting systems and equipment.
 Dust covers and enclosures—when specified for military vehicles and artillery items.
 Erasing knives.
 Fans of stainless steel—for use on board ship and where required for corrosion resistance.
 Fences, including chain link, weighing not more than 2 pounds per lineal foot and not more than 0.33 pound per square foot.
 Fence posts produced from iron or steel in the form of re-rolled rail stock, top cuts or discard billets, or from idle or excessive inventories reported to Steel Recovery Corporation or the War Production Board.
 First aid kit boxes.
 Flag holders.
 Flag staffs and flag masts—for use on board ship, and on military vehicles.
 Flashlights and portable electric lights on fire control instruments.
 Fountains, portable, of stainless steel—for use on board ship.
 Furniture—for use on board ship.
 Galley and mess equipment of stainless steel as follows:
 Canteens.
 Coffee urns.
 Cold storage space on board ship.
 Compartment mess trays.
 Dishwashing machines.
 Kettles, steam jacketed.
 Meat cans and covers.
 Metal sponges.
 Portable water coolers, liners only.
 Pressure cookers.
 Sinks and dresser tops for use on board ship and aircraft.
 Steam tables, warming pans and inserts.
 Stock pots.
 Games.
 Gates for fences.
 Grilles—sewer.
 Hand seals for documents.
 Harness and saddlery fittings.
 Hat frames, wire and gimps.
 Hat-making machinery, but only—
 Blocking machines with complete sets of blocks.
 Sets or dies for cutting parts.
 Hose clamps of stainless steel—for aircraft.
 Hose reels.
 Hot water heater tanks and coils of stainless steel—for aircraft and military vehicles.
 Ice cube trays.
 Incinerators.

**Stainless steel also permitted but only where required for corrosion or heat resistance or non-magnetic properties.

Instrument dials and cases of stainless steel.
 Ironing boards and stands—for use on board hospital ships.
 Ladders, step.
 Ladders and hoists of stainless steel—for aircraft.
 Lavatories and lavatory equipment of stainless steel—for aircraft and for use on board ship.
 Lighting equipment (1) for theatres and recreational buildings for the armed forces; and (2) of stainless steel for aircraft.
 Lighting poles and standards for fire control instruments.
 Lockers—for office equipment as limited under Limitation Order L-13-a, for use on board ship, military vehicles, outside continental limits of U. S. and in ordnance plants.
 Mail boxes—for use on board ship.
 Measuring pumps and dispensers for gasoline stations and garages, including but not limited to—
 Air pumps.
 Gasoline dispensing pumps.
 Grease guns.
 Grease pumps.
 Kerosene pumps.
 Oil pumps.
 Mechanical drawing and drafting equipment of stainless steel.
 Metal cloths.
 Mirrors, hand—for signal use.
 Motion picture cameras, projectors and projection equipment—stainless steel permitted for sprockets and aperture plates.
 Motion picture screen stands.
 Motion picture sound reproducing equipment.
 Music stands—for use on board ship.
 Name, data and instruction plates for machinery, equipment and aircraft—stainless steel permitted.
 Paint spray outfits—stainless steel permitted for nozzle tips and needle valves.
 Partitions—for use in hospitals and on board ship.
 Partition studs for radar equipment.
 Pegs, tent.
 Phonograph motors, hand wound.
 Phonograph record blanks.
 Photographic equipment and accessories.**
 Pipe posts.
 Pitchers.
 Plates, light switch, for use on board ship and for artillery and mobile items.
 Pneumatic tube delivery systems.
 Portable bathtubs.
 Pumps, fresh water, for use on board ship.**
 Pump shafts of stainless steel.
 Push carts—for ordnance and combat organizations.
 Radiator enclosures for use on board ship, on military vehicles and on artillery items.
 Radio antenna of stainless steel.
 Radio antenna poles—stainless steel permitted for submarines and aircraft.
 Railings—for use on board ship.
 Reels, cable and rope—for combat and field training purposes and for use on board ship.
 Scaffolding—for use in airfields and other places where use of wood scaffolding is impracticable.
 Screen frames.
 Sewer pipe for pressure lines in exterior installations—cast iron only may be used.
 Shirt and stocking dryers of cast iron only.
 Sink drainboards, both integral and removable—for use on board ship and where required for sterilization.
 Skewers, all types.
 Spools for wire—for combat and field training purposes.
 Sporting and athletic goods.
 Stair and threshold treads—for use on board ship.
 Swimming pool equipment for training purposes.

Tags—

For marking ammunition and military equipment.
 Identification tags and badges for personnel.**
 Tanks, storage, water—but only for use on board ship, mobile units, range boilers and water storage, of a height in excess of 100 feet, or for pneumatic pressure tanks, or for use outside continental limits of U. S.
 Tanks, water storage, of stainless steel—for use in aircraft.
 Telephone bell boxes—for use on board ship or where climatic or safety conditions make necessary.
 Telephone booths, acoustically treated—for use on board ship.
 Tent frames and supports.
 Termite shields—for use outside continental limits of U. S.
 Thermos or insulated jugs and bottles—stainless steel permitted.
 Tile, steel back—for ladder treads, step plates and use on board ship.
 Tool boxes and cases.
 Tool handles.
 Typewriter mechanism for pedestal and drop-head desks—for use on board ship.
 Waste paper receptacles—for hospital use.
 Water troughs—frame and support only.
 Wheel barrows.
 Wire racks.
 Workbenches.

[F. R. Doc. 44-11806; Filed, August 7, 1944; 11:57 a. m.]

PART 3286—MISCELLANEOUS MINERALS

[Conservation Order M-199, Direction 2]

MANUFACTURE OF ROLLED GOLD PLATE AND GOLD FILLED STOCK CONTAINING MORE THAN 1/2 OF 1% OF SILVER BY WEIGHT, EXCLUSIVE OF THE SILVER CONTENT OF THE KARAT GOLD, IF ANY

The following direction is issued pursuant to Conservation Order M-199:

This direction tells how rolled gold plate and gold filled stock, which come within the definition of "silver" under Conservation Order M-199, may be made. It places restrictions upon the use of copper and copper base alloy in such manufacturing.

(a) *Definitions.* For the purposes of this direction:

(1) "Rolled gold plate and gold-filled stock" include only materials of that description which contain more than 1/2 of 1% of silver by weight exclusive of the silver content of the karat gold, if any.

(2) "Karat gold" means alloyed gold produced in accordance with U. S. Commercial Standard CS67-38 (issued by the National Bureau of Standards).

(3) "Copper" means unalloyed copper.

(4) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy. It shall include metal alloy made from scrap. Copper base alloy does not include "karat gold."

(5) "Inter-liner" means any copper or copper base alloy used between karat gold and silver or other metal in the manufacture of gold filled stock and rolled gold plate.

(b) *Restrictions covering rolled gold plate and gold filled stock.* After August 7, 1944, no person shall make, sell, accept delivery of, or use rolled gold plate or gold filled stock, in which the base metal is copper or copper base alloy or in which the copper or copper base alloy inter-liner or interliners equals or exceeds 10% of the total weight of the finished rolled gold plate or

gold filled stock, for any purpose for which the use, delivery or acceptance of delivery of copper is prohibited by Orders M-9-c, M-9-c-2, or any other War Production Board order. Rolled gold plate or gold filled stock in which the base is not copper or copper base alloy, and in which the total weight of the inter-liner or inter-liners is less than 10% of the total weight of the finished rolled gold plate or gold filled stock, shall not be considered a copper material and hence shall not be subject to Orders M-9-c, or M-9-c-2, or other War Production Board orders relating to copper or copper base alloy, but the use of copper base alloy containing tin for such inter-liner is prohibited in any event.

(c) *Application of other orders.* After August 7, 1944, the provisions of this Direction with respect to rolled gold plate and gold filled stock shall govern in any case where they are inconsistent with the provisions of Order M-9-c, M-9-c-2, or any other order of the War Production Board restricting the use of copper or copper base alloy. In all other respects, any more restrictive provisions of an order of the War Production Board shall prevail. Particular attention is called to the provisions of Limitation Order L-45 relating to jewelry. No provision of this direction shall be deemed to relieve any person from complying with any of the restrictions of Order M-199.

Issued this 7th day of August 1944.

WAR-PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11802; Filed, August 7, 1944;
11:57 a. m.]

Chapter XI—Office of Price Administration

PART 1309—COPPER

[RPS 12, Amdt. 9]

BRASS MILL SCRAP

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 12 is amended in the following respects:

1. Section 1309.18 (b) is amended to read as follows:

(b) Brass mill scrap includes all kinds and grades of non-ferrous scrap materials which are the waste or by-product of any kind of fabrication of new sheet, tube, rod or other brass mill products. It also includes any unused sheet, tube, rod or other brass mill products sold for remelting whether such brass mill products are in the form originally sold by the brass mill or have been further fabricated, processed, altered or assembled. However, it does not include any material which meets the foregoing provisions of this definition but is unsuitable for brass mill use.

This amendment shall become effective August 10, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11720; Filed, August 5, 1944;
11:52 a. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1234, 2132, 3520, 5515, 8650, 8948, 9392; 8 F.R. 3189, 3852, 4928; 9 F.R. 2019.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Restriction Order 7]

KEROSENE IN PUERTO RICO

Preamble: According to the information obtained from the Petroleum Supply Committee for Latin America the quantity of kerosene that will be available for Puerto Rico during the calendar year 1944 will not be sufficient to cover the island needs. Kerosene is an extremely important commodity in Puerto Rico because the great majority of the population use kerosene exclusively for lighting and for cooking. The increase in the demand for kerosene in Puerto Rico has been caused mainly by the increase in the price of charcoal commonly used for cooking, by an increase in the purchasing power of the people, and by the use of kerosene in many cases as a substitute for gasoline, which has been rationed since 1942. This order restricts the monthly deliveries of kerosene to be made by importers, wholesalers and retailers in Puerto Rico, and it is thereby hoped that an equitable distribution of kerosene will be assured which will make consumer rationing unnecessary.

RESTRICTION ORDER 7—KEROSENE IN PUERTO RICO

ARTICLE I—HOW KEROSENE IS TRANSFERRED

Sec.

- 1.1 Restriction on transfers of kerosene.
- 1.2 Exceptions to limitation of transfers of kerosene.

ARTICLE II—REPORTS

- 2.1 Importer's initial report.
- 2.2 Importer's monthly report.
- 2.3 Customer's initial report.
- 2.4 Wholesaler's monthly report.
- 2.5 Customer may not acquire kerosene if he does not file his initial report.
- 2.6 Wholesaler may not acquire kerosene if he does not file his monthly report.

ARTICLE III—PROHIBITED ACTS

- 3.1 Discrimination.
- 3.2 Transfers in violation of Restriction Order No. 7.
- 3.3 False statements or entries.
- 3.4 Offer, attempt or agreement to violate this order.

ARTICLE IV—ENFORCEMENT

- 4.1 Suspension order.

ARTICLE V—SCOPE OF ORDER

- 5.1 Territorial Limitations.
- 5.2 Fuel covered by this order.

ARTICLE VI—DEFINITIONS

- 6.1 Terms explained.

AUTHORITY: Sections 1.1 to 6.1, inclusive, (1394.2002) issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 83, 421, and 507, 77th Cong.; E.O. 8250, 7 F.R. 7671, WPB Directive 1, Supp. Dir. 1-J, 7 F.R. 562, 5043, 8731; Rev. Gen. Order 20, 8 F.R. 2510.

ARTICLE I—HOW KEROSENE IS TRANSFERRED

SECTION 1.1 Restriction on transfer of kerosene. (a) No importer or wholesaler shall transfer kerosene to any person who was not his customer during any of the first five (5) months of the calendar year 1944, and shall not transfer to any one of his customers for any one given month more than eighty-five (85) per cent of the average monthly transfers made to that customer during the first five

months of the calendar year 1944, unless authorized in writing by the Office of Price Administration for Puerto Rico.

(b) No retailer shall transfer to any one of his customers for any one given month more than eighty (80) per cent of the average monthly transfers made to that customer during the first five (5) months of the calendar year 1944, and shall not transfer among new customers who did not acquire transfers of kerosene from such retailer during the first five (5) months of the calendar year 1944, more than five (5) per cent of the quantity of kerosene transferred to such retailer by the importer or wholesaler: *Provided*, That if no new customers apply for transfer of kerosene from a retailer, said retailer may transfer for any one given month to the customers who acquired kerosene from him during the first five (5) months of the year 1944, eighty-five (85) per cent of the average monthly transfers made to such customers during said period.

Sec. 1.2 Exceptions to limitation of transfers of kerosene—(a) *Transfer in excess of monthly quota.* Whenever an importer's or wholesaler's distribution system of kerosene is made on the basis of a certain unit, such as a drum of 53 or 54 gallons, and the monthly quota of a customer is less than such unit, the importer or wholesaler may nevertheless transfer to such customer a full unit. However, the amount of kerosene transferred in excess of the customer's monthly quota, shall be charged to his succeeding monthly quota and no further transfers of kerosene shall be made to him until the quantity of kerosene transferred has been used in accordance with his monthly allowable quota.

(b) *Allocation of quota not delivered to customer.* When a customer for any reason fails to take delivery of any quantity of kerosene which he is entitled to obtain during any one given month, the importer, wholesaler or retailer may transfer that customer's allocation to one or more of his customers for delivery during the month immediately following, if such transfer will not result in the acquisition by such customer for any one given month of more than one hundred (100) per cent of the average monthly transfers of kerosene made to him during the first five months of the calendar year 1944. An importer or wholesaler who transfers to one or more of its customers the allocation of kerosene which another customer failed to take delivery of, shall notify the Office of Price Administration in writing of such transfers.

(c) *Exempt agencies.* Nothing in this Order shall be construed to limit the quantity of kerosene which may be transferred to the Army and Navy of the United States, United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics and the Office of Scientific Research and Development.

(d) *Director may grant authorizations for the acquisition of kerosene.* A person who must use kerosene for the performance of services essential to the welfare of the community or the war effort, and who prior to the effective date

of this order was not a kerosene consumer, or who can not perform said essential services with the allotted quantity of kerosene to which he is entitled, may be authorized by the Director to acquire the kerosene required by him for the performance of such essential services. Applications by such consumers shall be made in writing to the Office of Price Administration at San Juan, Puerto Rico.

ARTICLE II—REPORTS

SEC. 2.1 *Importer's initial report.* Every importer must file an initial report with the Office of Price Administration at San Juan, Puerto Rico, indicating the name of its kerosene customers and the quantity of kerosene transferred to each one of them during the first five months of the calendar year 1944.

SEC. 2.2 *Importer's monthly report.* Every importer must file with the Office of Price Administration at San Juan, Puerto Rico, not later than the fifth day of every month after the effective date of this order, a monthly report indicating the names of its kerosene customers and the quantity of transfers of kerosene made to each one of them during said month.

SEC. 2.3 *Customer's initial report.* Every customer of any importer must file, through the importer, an initial report on OPA Form PR-R-198, indicating the transfers of kerosene obtained by him from such importer during the first five months of the calendar year 1944, and stating whether he is a wholesaler, retailer or consumer. If such customer is a wholesaler he shall state in his report the names of his customers during the first five months of the calendar year 1944; if he is a retailer, he shall state the manner in which his sales are made; and if he is a consumer, he shall state the use made of the kerosene. The information given by such customer as to the transfers of kerosene obtained during the first five months of the calendar year 1944 shall be certified as correct by the importer.

SEC. 2.4 *Wholesaler's monthly report.* Every wholesaler must file with the Office of Price Administration at San Juan, Puerto Rico, not later than the fifth day of every month after the effective date of this order, a report on OPA Form PR-R-199, indicating the name of his supplier and the quantity of kerosene obtained by him during said month, the names of his customers and the quantity of kerosene transferred to each one of them during said month.

SEC. 2.5 *Customer may not acquire kerosene if he does not file his initial report.* No customer of an importer shall obtain his allowable quota of kerosene unless he files his initial report.

SEC. 2.6 *Wholesaler may not acquire kerosene if he does not file his monthly report.* No wholesaler shall obtain his monthly allowable quota unless he files the monthly reports required of him by this order.

ARTICLE III—PROHIBITED ACTS

SEC. 3.1 *Discrimination.* No importer, wholesaler or retailer shall discriminate in the transfer of kerosene among customers entitled to receive transfers under this order.

SEC. 3.2 *Transfers in violation of this order.* No importer, wholesaler or retailer shall transfer kerosene except in accordance with this order.

SEC. 3.3 *False statements or entries.* No person shall make any false statement or entry in any document or record required to be filed or kept by him under this order.

SEC. 3.4 *Offer, attempt or agreement to violate this order.* No person shall offer, solicit, attempt or agree to do or do any act in violation of this order.

ARTICLE IV—ENFORCEMENT

SEC. 4.1 *Suspension order.* Any person who violates this order may by administrative suspension order be prohibited from receiving or making any transfer of kerosene or in any way using or disposing of kerosene or any other rationed commodity. Proceedings for suspension orders shall be instituted and governed by the provisions of Procedural Regulation 4 issued by the Office of Price Administration.

ARTICLE V—SCOPE OF ORDER

SEC. 5.1 *Territorial limitations.* This order shall apply to the Territory of Puerto Rico.

SEC. 5.2 *Fuel covered by this order.* The fuel covered by this order is kerosene.

ARTICLE VI—DEFINITIONS

SEC. 6.1 *Terms explained.* When used in this order, the term (a) "Kerosene" means refined mineral oil known as (but not limited to) kerosene oil, coal oil, refined oil and gas used mainly as fuel for lighting, cooking, in some internal combustion engines and in the concoction of insecticides.

(b) "Importer" means any person who imports kerosene into the Territory of Puerto Rico.

(c) "Wholesaler" means any person except an importer who sells kerosene to any person other than a consumer.

(d) "Retailer" means any person who sells kerosene to a consumer.

(e) "Consumer" means any person acquiring kerosene for use, including use as a component part of any manufactured article, material or compound.

(f) "Transfer" means sell, give, exchange, lend, deliver, supply or furnish.

(g) "Director" means the Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

Effective date. This order shall become effective at 8:00 a. m. July 6, 1944.

NOTE: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of August 1944.

JORGE L. CORDOVA,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-11721; Filed, August 5, 1944;
11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 150]

WOOD ROSIN SIZE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.27 is amended in the following respects:

1. Section 4.27 (a) (1) (ii) (b) (1) is amended to read as follows:

(1) Direct material cost per 100 pounds during the first quarter of 1944, except as noted below with respect to purchased wood rosin. In computing the cost of the quantity of the grade of wood rosin contained in 100 pounds of the wood rosin size being priced, a weighted average, based on the percentage of that grade of wood rosin the manufacturer purchased and the percentage the manufacturer himself produced during the second calendar month preceding date of mailing the report required by (c) below, shall be used. The cost per 100 pounds of such grade of wood rosin purchased shall be the delivered price per 100 pounds in the customary quantities and containers the manufacturer is currently required to pay (not in excess of the supplier's maximum price plus transportation costs, if any). The cost per 100 pounds of such grade of wood rosin the manufacturer himself produced shall be the lowest price per 100 pounds f. o. b. plant he charged for such grade of wood rosin during the first quarter of 1944 (not in excess of his maximum price), less his selling and administrative expense per 100 pounds during the first quarter of 1944.

2. Section 4.27 (a) (1) (ii) (c) (1) (i) is amended to read as follows:

(i) Amount used in size being priced during second calendar month preceding date of mailing report required by this subdivision (c) broken down as follows:

This amendment shall become effective August 10, 1944.

NOTE: All reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11722; Filed, August 5, 1944;
11:52 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 1 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment to Supplement 7 to Food Products Regulation No. 1, has been issued and filed with the Division of the Federal Register.*

1. Section 11 is amended to read as follows:

SEC. 11. *Grades and invoices.* This section applies to all sellers covered by this supplement whether the goods are packed by them or purchased by them for resale.

(a) "Grade" means the established grade as commercially understood, for example, in the case of canned peas, standard, extra-standard and fancy.

(b) "Subgrade" means a subdivision of a grade, determined in each case according to the regularly established way, during the base period, in which the particular processor reflected differences in quality (within that grade) in different selling prices for the item. Whether the processor had such a practice during the base period shall be determined from his invoices, and no processor who does not meet these conditions shall figure maximum prices for the item on the basis of subgrades.

If the particular processor's individual subgrade falls into more than one grade, as defined above, the individual subgrade shall be divided according to the commercial grades into which it falls.

(c) A person who purchases from a processor shall not be subject to any criminal penalty or civil enforcement action under the Emergency Price Control Act of 1942, as amended, in connection with the resale of any item for failure of the item to conform to the grade (and subgrade, if any) designated on the invoices, provided he can establish that he relied in good faith upon the grade designation on the invoice furnished him by the processor.

(d) On and after July 31, 1944, each processor shall furnish the purchaser, other than a government procurement agency, at or before the time of delivery, with an invoice describing the item and separately stating its grade and subgrade, if any. In addition, he shall also show the syrup or packing medium of any fruits or berries sold.

(e) Nothing in this supplement shall be construed to change any of the requirements of the Federal Food, Drug and Cosmetic Act, of any regulation issued under it.

2. In the first paragraph of section 5 (c) the reference to section 11 (a) is amended to refer to section 11 (b).

This amendment shall become effective as of July 31, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11741; Filed, August 5, 1944;
4:44 p. m.]

*Copies may be obtained from the Office of Price Administration.
19 F.R. 9493.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[MPR 145, Amdt. 8]

PICKLED SHEEPSKINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 145 is amended in the following respects:

1. The second sentence of § 1314.151 is amended to read as follows: "Notwithstanding the provisions of this section, imported pickled sheepskins purchased pursuant to a written contract executed prior to August 7, 1944 in accordance with the provisions of this regulation may be sold and delivered at the maximum prices in effect on August 6, 1944, *Provided*, That delivery thereof is made prior to November 10, 1944.

2. Section 1314.153 (a) is amended by inserting after the words "maximum prices for resales of pickled sheepskins" the words "other than the brands specified in §§ 1314.164 and 1314.165" and by deleting from subparagraph (2) the words "or § 1314.164, whichever is applicable".

3. Section 1314.164 (a) is amended to read as follows:

(a) *Maximum prices for sales, deliveries or purchases.* Except as otherwise provided in this section, the maximum prices at which any person may sell, offer to sell, deliver or purchase certain specified brands of New Zealand pickled sheepskins are set forth below. In addition, the domestic purchaser or his agent may pay to the producer or foreign seller the amount by which the actual charges incurred by the producer or foreign seller for inland or coastal transportation to the present port of loading exceeds the current cost of an identical shipment to his customary port of loading.

The prices listed are per dozen skins, net cash, f. o. b. New Zealand port of shipment, New Zealand currency, conversion to be based on the rate of \$3.26 to the New Zealand pound.

Brand	Maximum prices	
	Produced from lamb pelts	Produced from sheep pelts
Westfield.....	31s., 0d.	43s., 0d.
Patea.....	31s., 0d.	43s., 0d.
Temuana.....	31s., 0d.	43s., 0d.
Gee.....	31s., 0d.	43s., 0d.
Walton.....	31s., 0d.	43s., 0d.
W. M. E.....	31s., 0d.	43s., 0d.
Longburn.....	31s., 0d.	43s., 0d.
Fiddling.....	31s., 0d.	43s., 0d.
Walgawa.....	31s., 0d.	43s., 0d.
Imlay.....	31s., 0d.	43s., 0d.
Patea Clients.....	31s., 0d.	43s., 0d.
Hollaby.....	31s., 0d.	43s., 0d.
H. B. M. Co.....	31s., 0d.	43s., 0d.
Temuana Clients.....	31s., 0d.	43s., 0d.
A. F. F. Co.....	31s., 0d.	43s., 0d.
Kaiti.....	31s., 0d.	43s., 0d.
Toko.....	31s., 0d.	43s., 0d.
Welton.....	31s., 0d.	43s., 0d.
Pieton.....	31s., 0d.	43s., 0d.
Nelson.....	31s., 0d.	43s., 0d.
S. O. F. Co.....	31s., 0d.	43s., 0d.

* Copies may be obtained from the Office of Price Administration.

17 F.R. 3746, 3889, 6771, 5835, 6949, 11074;
8 F.R. 5724; 9 F.R. 1593, 7930.

Brand	Maximum prices	
	Produced from lamb pelts	Produced from sheep pelts
C. F. M.....	23s., 6d.	33s., 6d.
Idington.....	23s., 6d.	33s., 6d.
T. B. & S. Canterbury.....	23s., 6d.	33s., 6d.
N. C. F.....	23s., 6d.	33s., 6d.
Walltown.....	23s., 6d.	33s., 6d.
R. W. Gere.....	31s., 0d.	41s., 0d.
Ocean Beach.....	31s., 0d.	41s., 0d.

4. Section 1314.164 (b) is amended to read as follows:

(b) *Buying commission.* A maximum buying commission of 2½% of the purchase price (not to exceed the applicable maximum price set forth in paragraph (a) of this section) may be paid by a domestic purchaser to a dealer or broker acting as his agent. Such purchases may be financed by the domestic purchaser.

5. Section 1314.164 (c) is redesignated § 1314.164 (d) and is amended by deleting from the subparagraph designated "Step 3" the words "for the applicable brand set fourth in Column B of § 1314.164 (b)", and substituting therefor the words, "for a spot sale of the applicable brand computed in accordance with the provisions of paragraph (c) of this section", and by deleting from the example the parenthetical phrase "(Column 'B' price of \$5.50)" and substituting therefor the parenthetical phrase "(spot sale price of \$5.50)".

6. A new § 1314.164 (c) is added to read as follows:

(c) *Maximum prices for spot sales.* The term "spot sale", as used in this paragraph, means a sale of New Zealand pickled sheepskins of the brands specified in paragraph (a) of this section, made by a domestic dealer or importer who purchased them for his own account and financed their importation into the continental United States and who sells them after they are loaded on a vessel for shipment to the continental United States, payment by the purchaser to be made not before delivery to him of the inland bill of lading or delivery order.

The maximum prices for spot sales by a domestic dealer or importer shall be the sum of: (i) The applicable maximum price set forth in paragraph (a) of this section, (ii) an amount not in excess of 5% of such price, (iii) the amount by which the actual charges incurred by the producer or foreign seller for inland or coastal transportation to the present port of loading exceeds the current cost of an identical shipment to his customary port of loading, (iv) ocean freight charges actually paid, (v) war risk and marine insurance premiums actually paid and (vi) inland freight charges actually paid from the continental United States or Canadian port of entry to the domestic dealer's or importer's receiving point.

7. Section 1314.164 (d) is redesignated § 1314.164 (e).

8. Section 1314.165 (a) is amended to read as follows:

(a) *Maximum prices for sales, deliveries or purchases.* Except as otherwise provided in this section, the maximum prices at which any person may sell, offer to sell, deliver or purchase certain

specified brands of South American pickled sheepskins are set forth below.

The prices listed are per dozen skins, net cash, c. & f. continental United States or Canadian port of entry, and include customs fees, wharfage and all other charges, except that the amounts actually paid for war risk and marine insurance premiums may be added. These prices are based on an ocean freight rate of \$20 per long ton plus 35% surcharge and must be adjusted to reflect any change in the cost of ocean freight.

Brand	Maximum price
Armour La Plata:	
Sheep	\$9.15
Heavy lambs	8.25
Regular lambs	6.55
Spring lambs	5.05
Sm. spring lambs	3.25
Swift:	
Swift La Plata:	
Heavy sheep	9.85
Light sheep	8.00
Heavy lambs	8.95
Regular lambs	6.40
Spring lambs	4.85
Swift Montevideo (regular):	
Sheep	7.55
Lambs	5.40
Spring lambs	3.95
Reject "B"	2.45
Reject	1.45
Swift:	
Swift Montevideo (dry):	
Sheep	6.20
Lambs	4.75
Spring lambs	3.50
Reject "A"	2.30
Reject "B"	.60
Swift Yale:	
Sheep	7.55
Lambs	5.40
Spring lambs	3.95
Smithfield:	
Sheep:	
XX BD	9.00
XXX BD	8.00
XX LM	8.00
XXX LM	7.00
2 CBL	7.50
3 CBL	6.50
2 LSM	7.00
3 LSM	6.00
HS	9.50
HS 3	8.50
HSD	8.50
HSD 3	7.50
Lambs:	
2 SCB	7.00
3 SCB	6.00
2 SBX	6.50
3 SBX	5.50
2 SMX	6.50
3 SMX	5.50
2 CLX	4.50
3 CLX	3.50
C. A. P.:	
Sheep	7.35
Lambs	6.00
Galy & Erviti:	
Heavy Sheep:	
A 1	10.50
A 2	9.50
A 3	8.00
A 4	7.00
AR-AS	4.50
Medium Sheep:	
B 1	8.50
B 2	7.25
B 3	6.00
B 4	5.00
BR-BS	3.75

Brand	Maximum price
Galy & Erviti—Con.	
Light Sheep:	
C 1	\$7.25
C 2	6.50
C 3	5.75
C 4	4.50
CR—CS	3.25
Lambs:	
LB 1	6.50
LB 2	5.75
LB 3	5.00
LB 4	4.00
LBR—LES	3.00
Spring Lambs:	
CR 1	5.25
CR 2	4.75
CR 3	3.75
CR 4	3.25
CRS—CRS	2.25
Small Spring Lambs:	
M 1	4.25
M 2	3.75
M 3	3.25
M 4	2.75
MR—MS	1.75
Heavy Sheep:	
G 1	7.75
G 2	
G 3	
G 4	
Medium Sheep:	
F 1	6.00
F 2	
F 3	
F 4	
Light Sheep:	
S 1	5.30
S 2	
S 3	
S 4	
Lambs:	
B 1 S	4.60
B 2 S	
B 3 S	
B 4 S	
Spring Lambs:	
H 1	3.70
H 2	
H 3	
H 4	
Small Spr. Lambs:	
J 1	2.80
J 2	
J 3	
J 4	
Anglo Argentine (Frigorifico):	
H. Sheepskins:	
XH	12.25
H	11.50
MXH	11.75
MH	10.75
FFF	11.75
FF	10.75
SS	9.50
RR	9.00
SSL	7.375
SRS	7.375
TSH	8.00
TSM	7.375
Light Sheepskins:	
XC	11.50
C	10.50
ML	9.00
F	9.00
R	7.00
SSL	7.75
TSL	6.00
Large Lambs:	
XXXX	9.50
XXXXM	9.00
Regular Lambs:	
XXX	8.50
XX	8.00
XXXXM	8.50
XXM	8.00
FL	7.125

Brand	Maximum price
Anglo Argentine (Frigorifico)—Continued.	
Regular lambs—Con.	
RL	\$7.125
SL	6.25
SRL	6.25
T	5.625
FT	2.625
Spring Lambs:	
X	8.00
XS	7.625
XM	7.625
XMM	6.75
XXMM	5.875
FLL	6.00
RSL	6.00
LSL	5.625
SRM	5.125
TL	3.875
MAM	3.125
Anglo Argentine (Camps):	
Sheepskins:	
HHX	6.875
HX	5.875
HH2	6.50
H2	5.875
HR	4.75
H3	4.75
H4	3.875
H5	1.625
HR2	2.625
Lambs:	
LL2	6.75
LLX	7.125
L2	5.875
L3	5.375
LR	4.75
L4	3.25
L5	3.00
LR2	2.625
XL2	4.75
XL3	4.50
XL4	3.875
XXL	1.75
Anglo Uruguayan (Frigorifico):	
Sheepskins:	
XH	11.25
MXH	10.75
MH	9.75
FFF	10.75
FF	9.75
SS	8.00
RR	8.50
TSH	7.00
ML	9.00
F	8.50
R	6.875
TSL	6.00
Regular Lambs:	
XXXXM	8.00
XXXXM	7.125
XXM	6.75
FL	5.875
RL	5.875
SLL	5.00
SRL	4.25
Spring Lambs:	
XM	6.25
XMM	5.375
XXMM	4.50
FLL	4.50
RSL	4.125
LSL	4.125
T	3.375
TXS	2.625
Anglo Uruguayan (Camps)—Con.	
Sheepskins:	
HHX	\$6.50
HX	5.375
HH2	5.875
H2	5.125
HR	4.25
H3	4.25
H4	3.50
H5	1.375
HR2	2.50

Brand	
Anglo Uruguayan (Camps)—Con.	
Lambs:	
LLX	\$6.25
LL2	5.875
L2	4.25
L3	3.75
LR	4.125
L4	3.375
XL2	2.00
XL3	1.75
L5	2.50
LR2	3.375

Soulas (Argentine):

Large Lambs:	
1 LB	9.00
2 LB	8.50
3 LB	7.50
Regular Lambs:	
3 XBR	8.25
2 XBR	7.25
XBR	6.25
RL	6.25
3 XRL	6.50
2 XRL	6.00
XRL	5.00
RCL	5.25
Spring Lambs:	
1 LC	7.25
2 LC	6.25
3 LC	5.25

Wilson & Co. (S. A.):

4X Spec. Sheep	12.00
3X Rib Sheep	10.00
2X Rib Sheep	9.00
#1 Spec. Sheep	11.00
#1 Sheep	10.00
#2 Sheep	8.50
#3 Sheep	6.75
#3 H. R. Sheep	5.50
#1 Rib Sheep	9.00
Seedy Sheep	6.875
Rib Lambs	7.625
H. R. Lambs	7.375
Spring Lambs	6.25
H. R. Spr. Lambs	5.875
M. Lambs	3.375
H. R. M. Lambs	3.00
Seedy Medium	6.50
Seedy Small	5.00
Seedy Small H. S.	3.50
HR Lambs Special	6.875
HR Spr. Lambs Special	5.375
#1 Culls	4.25

Frigorifico National:

Sheep:	
HXG	10.00
HXM	9.50
HXP	8.50
HXI	8.25
HXPI	8.00
HLC	8.50
HLM	8.00
HLJ	7.375
HCG	7.375
HCM	7.125
HCI	6.50
HD	5.50
HFX 1st	6.00
HFX 2d	5.00
HFR 1st	5.00
HFR 2d	4.50

Lambs:	
BXG	7.50
BXM	7.00
BXT	6.50
BLG	7.00
BLM	6.50
BLI	6.00
BCG	6.00
BCM	5.50
BCI	5.00
BD	4.50
BF 1st	4.50
BF 2d	4.00

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Brand	
Frigorifico National—Con.	
Spring Lambs:	
CX	\$6.00
CDI	5.50
CMX	5.00
CDI	4.50
CD	3.50
CF 1st	3.50
CF 2d	3.00

9. Section 1314.105 (b) is amended to read as follows:

(b) *Buying commission.* A maximum buying commission of 2½% of the purchase price (not to exceed the applicable maximum price set forth in paragraph (a) of this section) may be paid by a domestic purchaser to a dealer or broker acting as his agent. Such purchases may be financed by the domestic purchaser.

10. Section 1314.165 (c) is added to read as follows:

(c) *Maximum prices for spot sales.* The term "spot sale", as used in this paragraph, means a sale of South American pickled sheepskins of the brands specified in paragraph (a) of this section, made by a domestic dealer or importer who purchased them for his own account and financed their importation into the continental United States and who sells them after they are loaded on a vessel for shipment to the continental United States, payment by the purchaser to be made not before delivery to him of the inland bill of lading or delivery order.

The maximum prices for spot sales by a domestic dealer or importer shall be the sum of: (i) The applicable maximum price set forth in paragraph (a) of this section, (ii) an amount not in excess of 4% of such price, (iii) war risk and marine insurance premiums actually paid and (iv) inland freight charges actually paid from the continental United States or Canadian port of entry to the domestic dealer's or importer's receiving point.

This amendment shall become effective August 12, 1944.

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11786; Filed, August 7, 1944;
11:45 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B, Amdt. 9]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 1B is amended in the following respects:

*Copies may be obtained from the Office of Price Administration,
18 F.R. 9551, 12695, 14163; 9 F.R. 219, 1318,
1945, 3849, 6029, 7434.

1. Section 2.4 (b) (2) is amended to read as follows:

(2) Notwithstanding the above provisions, a certificate may be issued for Grade I tires and new passenger-type tubes to equip a light truck which can be efficiently operated with such type of tires and tubes.

2. Section 2.23 (a) is amended to read as follows:

(a) *Vehicles subject to inspection.* Every person controlling the use of a vehicle equipped with truck-type tires shall be issued a Tire Inspection Record (OPA Form PR-R-534) executed in accordance with the instructions thereon, the Part B of which shall be duly certified and filed with the Local Board, and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director upon the recommendation of a Board. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented for inspection at any time to, and at the request of, an inspector of the Office of Price Administration or of any person whom the Director may designate for that purpose. Upon transfer of any motor vehicle to which the provisions of this section apply, the record pertaining to the vehicle, and Parts D for tires mounted on the vehicle, must be transferred with it. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. The provisions of this section shall not apply to:

(1) Vehicles operated solely on special gasoline rations.

(2) Vehicles not registered for use on the highway.

(3) Farm tractor, farm implements, road-graders, earthmovers, or other industrial, mining or construction equipment not designed primarily for use on the highway.

(4) Vehicles operated by the armed forces of the United States.

(5) Tires reported on OPA Form PRR-17 by any person required to file such form.

(6) Tires obtained pursuant to section 2.7.

3. Section 2.23 (b) is amended to read as follows:

(b) *Time of inspection.* The time for periodic inspection shall be as follows:

Type of coupon book issued	Inspections must be made within 2 weeks period as follows:
S-2	July 31-Aug. 12, 1944; Oct. 23-Nov. 4, 1944.
S-3 and S-4 (except vehicles equipped with passenger-type tires).	Aug. 14-26, 1944; Nov. 6-18, 1944.
S-5 (except vehicles equipped with pas- senger-type tires).	Sept. 11-23, 1944; Dec. 4-16, 1944.
Bulk (except vehicles equipped with pas- senger-type tires).	According to type of ration identification.

4. Sections 2.23 (e) and (f) are added to read as follows:

(e) Every person controlling the use of a vehicle equipped with passenger-type tires shall keep the periodic tire inspection record already issued to the same. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization, and must be presented to the Board whenever any of the tires therein declared are replaced by a tire for which a certificate has been issued. The Board shall then issue a new tire inspection record.

(f) Every person who acquires a vehicle equipped with passenger-type tires, shall turn in the tire inspection record of the prior owner to the Board at which application for a gasoline ration is made and thereupon a new tire inspection record shall be issued by the Board to such transferee: *Provided*, That if no tire inspection record has been issued, the transferee shall submit to the Board a sworn statement from the transferor specifying the serial numbers of the tires mounted on the vehicle, and the reasons for not having obtained a tire inspection record: *Provided further*, That the owner of a vehicle equipped with passenger-type tires for which no tire inspection record has been issued shall submit to the Board at which application for a gasoline ration is made, a sworn statement specifying the serial numbers of the tires mounted on the vehicle, and the reasons for not having obtained a tire inspection record. If the Board is satisfied that there is good cause for not having obtained a tire inspection record, the Board may thereupon issue a new tire inspection record to such transferee or owner.

5. Section 2.24 (a) is amended to read as follows:

(a) In addition to the periodic inspection, every consumer who acquires a vehicle equipped with truck-type tires, if such vehicle is not exempted under section 2.23 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the transferor shall be turned in by the transferee to the Board to which application for a gasoline ration is made and thereupon a new Tire Inspection Record may be delivered by the Board to such transferee: *Provided*, That if such tires are mounted on a vehicle equipped with truck-type tires for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle. The Board may thereupon issue a new Tire Inspection Record to such transferee.

6. Section 2.26 (a) is amended to read as follows:

(a) *Prohibition*. No person shall mount on any passenger automobile or commercial motor vehicle to which the provisions of section 2.23 apply any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to

equip such vehicle, except as provided in paragraphs (b) and (c), or as authorized in writing by the Director.

This amendment shall become effective as of August 1, 1944.

Issued this 7th day of August 1944.

JORGE L. CORDOVA,
Territorial Director,
Puerto Rico.

Approved:

JAMES P. DAVIS,
Regional Administrator,
Region IX.

[F. R. Doc. 44-11787; Filed, August 7, 1944;
11:47 a. m.]

PART 1316—COTTON TEXTILES

[RPS 89, Amdt. 13]

BED LINENS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Price Schedule No. 89 is amended in the following respects:

1. Section 1316.111 (b) is amended to read as follows:

(b) *Determination of maximum price*. Except as otherwise provided herein, the maximum price for any bed linens shall be determined by the application of the appropriate plus or minus percentage in Table III to the base prices listed in Table II.

2. Table III of § 1316.111 (c) is amended to read as follows:

TABLE III—MAXIMUM PRICES FOR MANUFACTURERS, CONVERTERS OR FINISHERS

(Plus or minus percentage to be applied to base prices in Table II.)

Type 180	Type 140	Type 123	Type 112	Back-filled type
+0.6%-----	-0.3%	+3.4%	+6.1%	-5.5%

This amendment shall become effective as of June 30, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11739; Filed, August 5, 1944;
4:34 p. m.]

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

[RPS 84, Amdt. 8]

RADIO RECEIVER AND PHONOGRAPH PARTS

A statement of the considerations involved in the issuance of this Amendment 8 to Revised Price Schedule No. 84 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

17 F.R. 1375, 2107, 2000, 2132, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8937, 8948; 8 F.R. 8070, 11245; 9 F.R. 1717.

Paragraph (d) in § 1336.101 is amended to read as set forth below:

(d) *Pricing by specific authorization of the Office of Price Administration*. The maximum price, exclusive of federal excise tax, for any part other than a part referred to in paragraphs (a), (b), and (c) of this section, or which cannot be determined by reference to paragraphs (a), (b), and (c) of this section, shall be in line with the net price, exclusive of federal excise tax, which the manufacturer of such part would have charged for it at any time during the period from October 1 to October 15, 1941, if such price had been calculated upon cost prevailing during such period by use of procedures and standards then employed in estimating costs and determining prices. No such part shall be offered for sale until the proposed price thereof has been approved by the Office of Price Administration on the basis of the report submitted pursuant to § 1336.101 (b). Such approval may also establish maximum prices which sellers of the parts generally may charge, including wholesalers and retailers of the parts.

This amendment shall become effective August 12, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11788; Filed, August 7, 1944;
11:49 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32, Amdt. 16]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule 32 is amended in the following respects:

1. In § 1347.63, Appendix C (a), subparagraph (10) is amended to read as follows:

(10) Sheathing paper (20 lbs. and heavier per 500 sq. ft.)

2. In § 1347.63, Appendix C (a), subparagraph (11) is added to read as follows:

(11) Miscellaneous paperboard and specialty paperboard not covered elsewhere in this schedule.

This amendment shall become effective August 12, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11789; Filed, August 7, 1944;
11:48 a. m.]

19 F.R. 3331, 5482, 7261, 8061.

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 45]

BEEF AND VEAL CARCASSES AND WHOLESALE
CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.405 (f) (1) is amended to read as follows:

1. Any person who has increased production or has actually undertaken the production of frozen boneless beef (Army Specifications) at the request of a War Procurement Agency, and who shows by records covering his production of frozen boneless beef (Army Specifications) for a period of not less than two weeks that: (1) his direct labor costs are higher than the average of the direct labor costs heretofore filed with the Office of Price Administration by representative and substantial suppliers of frozen boneless beef (Army Specifications) and (2) such higher direct labor costs incurred in the increased or new production of frozen boneless beef (Army Specifications) are caused by the use of inexperienced labor or overtime work, may file an application in duplicate for adjustment either of the applicable maximum f. o. b. boning plant price established in § 1364.452 (m) or the maximum price for government contract boning established in § 1364.405 (e) to cover such excess of direct labor costs. Such application shall be made on Form No. 636-590, a copy of which is contained in § 1364.531 of this regulation, and shall be filed with the appropriate regional office of the Office of Price Administration. The Regional Administrator shall, within 21 days after receipt of the application, issue an order either denying the application or granting it, in whole or in part. In no event shall an adjustment be granted for more than \$1.00 per cwt. under § 1364.452 (m) or \$0.72 per cwt. under § 1364.405 (e). Such order shall be issued for a period of not more than 90 days. At the end of 60 days from the issuance thereof, the applicant, if he desires a further adjustment, shall file another application in duplicate on a form similar to Form 636-590 in which he shall submit his operating records for the 60 day period. The Regional Administrator shall, within 21 days after receipt of such application, issue an order either denying the application or granting it, in whole or in part as he deems appropriate, but in no event shall the adjustment be granted for more than \$1.00 per cwt. under § 1364.452 (m) or \$0.72 per cwt. under § 1364.405 (e). In determining the appropriate adjustment to be made, the Regional Administrator shall give consideration only to direct labor costs. The direct labor costs that

may be appropriately considered are wages paid for breaking and boning of carcasses, trimming, grinding, packing, strapping, stapling, labeling, weighing, utility work in the boning rooms, and other labor directly involved in preparation of the boneless beef for freezing. Applicants operating more than one plant shall file separately for each plant at which adjustment is sought. Following the issuance of an order pursuant to this paragraph (f) the Regional Administrator shall forward to the Administrator at Washington, D. C. for review a copy of the application together with a copy of the order and such other data as were considered in connection with the application. After review, the Regional Administrator shall modify, or revoke the order if the Administrator deems such modification or revocation appropriate. However, the provisions of the Regional Administrator's order shall remain in full force and effect until such time as they are modified or revoked.

2. Section 1364.406 (d) is amended to read as follows:

(d) A payment by a buyer to a broker of not to exceed \$0.125 per cwt. in excess of the maximum prices fixed by this regulation for services rendered by the broker to the buyer in connection with a sale of beef and veal carcasses and wholesale cuts shall not be deemed an evasion if the broker has no business affiliation with the seller, and if the total compensation received by the broker from both buyer and seller in connection with the sale does not exceed \$0.125 per cwt.

3. The date "February 24, 1944" contained in paragraph (e) (2) of § 1364.407 is amended to read "September 1, 1944."

4. The words "other than to war procurement agencies" contained in subdivisions (ii) and (iii) of paragraph (e) (2) in § 1364.407 are hereby deleted and the words "other than to contract schools" are substituted therefor.

5. Section 1364.407 (f) is amended as follows:

(f) Whenever used in this paragraph (f), the term "shipment" shall mean all commodities which are consigned to a single buyer as part of a single freight car or truck movement for delivery to the place of business or warehouse of the buyer, other than a consignment for delivery of the entire content of a common carrier freight car or truck to a war procurement agency.

(1) Except as provided in paragraph (f) (2) of this § 1364.407, every person making a sale of any beef carcass, beef wholesale cut, veal carcass, veal wholesale cut, processed product or other meat item subject to this revised regulation, shall furnish to the purchaser at the time of delivery a written statement setting forth the name and address of the buyer and seller; identifying each such item sold; setting forth the quantity, grade, including sex identification of beef as to stag or bull, the weight thereof, and the price charged and/or received therefor, including a separate statement of the

transportation and local delivery charge as required by § 1364.454 (a) (7).

(2) (i) In the case of any shipment made to a buyer located within a radius of 25 miles from the seller's distribution point, and in the case of any C. O. D. shipment made, irrespective of the distance, each person shipping any of the meat items subject to this revised regulation, shall send with each such shipment, a copy of the written statement referred to in paragraph (f) (1) hereof.

(ii) In the case of a shipment made to a buyer located beyond a radius of 25 miles from the seller's distribution point, other than a C. O. D. shipment, each person shipping any of the meat items subject to this regulation, shall send with each such shipment, a copy of the written statement referred to in paragraph (f) (1) hereof: *Provided, however,* That if the shipment made to the buyer is commenced before 12 o'clock noon, that portion of the statement with respect to the price charged or received therefor, and the separate statement of the transportation and/or local delivery charge, may be omitted but must be mailed to the buyer on the same day. If the shipment made to the buyer is commenced after 12 o'clock noon that portion of the statement with respect to the price charged or received therefor, and the separate statement of the transportation and/or local delivery charge may be omitted but must be mailed to the buyer before 12 o'clock noon of the following business day.

(iii) Where the shipment made constitutes the entire content of a common carrier freight car or truck, the copy of the statement referred to in paragraph (f) (1) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, the copy shall be securely attached in a conspicuous place to one of the items included within the shipment. Where the shipment made is by a vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to enforcement officers on request.

(iv) Every person transferring any of the meat items subject to this regulation to a business establishment or warehouse controlled or operated by him, which constitute the entire content of a vehicle, shall send with each vehicle making such transfer, a statement showing the name and address of the owner, the point of destination and that the meat items are not being transferred to a buyer in connection with a sale. The transfer must be identified in the same manner as required in the foregoing subparagraph (2) (iii) of this paragraph (f) except that the statement with respect to price or transportation and/or local delivery charge shall not be required.

6. The introductory paragraph of § 1364.411 (c) is amended to read as follows:

(c) *Duty to identify product by sex marks.* The sex identification shall be stamped on all bull and stag carcasses and wholesale cuts. The prescribed sex

*Copies may be obtained from the Office of Price Administration.

18 F.R. 4097, 4767, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6943, 7199, 8011, 8677, 8756, 9066, 9300, 9995, 10364, 10671, 11296, 11445.

identification of each beef carcass and wholesale cut as to stag or bull and the grade of each beef carcass and wholesale cut and veal carcass and wholesale cut must appear on the seller's invoice.

7. Section 1364.413 (c) is added to read as follows:

(c) Any order issued prior to August 7, 1944, pursuant to the provisions of paragraph (b) of § 1364.415 is revoked as of August 31, 1944, and each Regional Administrator shall notify every person affected by this paragraph of the revocation.

8. The words "other than to war procurement agencies" contained in paragraph (a) of § 1364.415 are hereby deleted and the words "other than to contract schools (in no event shall a war procurement agency be deemed to be a purveyor of meals)", are substituted therefor.

9. Section 1364.415 (b) is amended to read as follows:

(b) Any selling establishment which has established a quota pursuant to paragraph (a) of this § 1364.415, may, subject to the conditions hereinafter set forth, redetermine its quota for sales to purveyors of meals for each three month quota period beginning September 1, 1944, on the basis of its sales to purveyors of meals during the corresponding three month period of 1942, *Provided*, That such selling establishment shall fix its quotas for each three month quota period thereafter, other than the period beginning December 1, by reference to sales made by it during the corresponding three month period of 1942. For the three month quota period beginning December 1, such selling establishment shall determine its quota on the basis of its sales to purveyors of meals during the three month period beginning December 1, 1941. Any selling establishment which elects to fix its quotas for sales to purveyors of meals, pursuant to the alternative method stated herein, shall file not later than September 1, 1944, the reports required under § 1364.407 (e) for each three month period beginning November 30, 1942. The right to elect the alternative method of computing quotas shall be exercised on or before September 1, 1944, and such election shall be made by the filing of the alternative quota data required herein. After September 1, 1944, no selling establishment may elect the alternative quota and any selling establishment which has failed to file the alternative quota reports as required herein shall remain subject to the quota computed by reference to sales made from September 15, 1942, through December 15, 1942. Sales or deliveries by any selling establishment during the three month quota period beginning September 1, shall not exceed the quota fixed on the basis of sales made from September 15, 1942, through December 15, 1942, unless the alternative method of computation has been elected through the timely filing of the alternative quota computations and such computations permit a higher quota. If the

alternative quota computation for the three month period beginning September 1, is less than the quota computed by reference to sales made by it from September 15, through December 15, 1942, sales during the quota period beginning September 1, shall not exceed the lower quota.

10. The first paragraph immediately following the table contained in § 1364.452 (d) (2) is amended to read as follows:

The applicable zone 4 price of each cow carcass or wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade, shall be the same as the zone 4 price of the carcass or corresponding wholesale cut of steer or heifer of the same grade.

11. The first paragraph immediately following the introductory paragraph of § 1364.452 (d) (3) is amended to read as follows:

The applicable zone 4 price of each kosher cow wholesale cut of cutter and canner grade, utility grade, commercial grade or good grade shall be the same as the zone 4 price of the corresponding kosher wholesale cut of steer and heifer of the same grade.

12. Section 1364.452 (1) (2) is amended to read as follows:

(2) The maximum delivered ^{10a} price for boneless beef for Army canned meat in each of the following price zones shall be:

Price zone:	Zone price per cwt. frozen and boned ¹
1.....	\$19.50
2.....	18.75
3.....	17.75
4.....	17.75
5.....	18.25
6.....	18.50
7.....	18.75
8.....	19.00
9.....	19.25
10.....	19.50

¹If packed in a V-1, full telescope, weather-proof fiber board box, with a minimum of .100 caliber inches and a minimum dry bursting strength of 750 pounds per square inch, \$0.25 additional boxing charge may be made.

^{10a}If boneless beef for Army canned meat is sold on an f. o. b. boning plant basis, the seller shall reduce the price specified above for the zone in which the boning plant is located by 25 cents per cwt. and the result shall be the seller's f. o. b. boning plant price.

12a. Section 1364.452 (1) (5) is hereby revoked.

12b. Section 1364.452 (1) (6) is hereby redesignated (1) (5).

13. Section 1364.452 (m) (3) is amended to read as follows:

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades choice, good, commercial or utility and satisfying the specifications and requirements contained in "C. Q. D. No. 11 K—Specifications for Beef, Boneless, Frozen" issued March 24, 1944 by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement

agency shall not be sold as frozen boneless beef (Army specifications).

14. Section 1364.452 (m) (6) is amended to read as follows:

(6) "Frozen boneless beef (hindquarters) (Army specifications)" as used in this paragraph (m) means hindquarters of beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial and satisfying the specifications and requirements contained in "C. Q. D. No. 11 K—Specifications for Beef: Boneless, Frozen", issued March 24, 1944, by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef (hindquarters) which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

15. Section 1364.452 (n) (1) is amended to read as follows:

(1) On and after August 12, 1944, regardless of any contract agreement, or other obligation, no person shall sell or deliver any boneless processing beef, and no person shall buy or receive any boneless processing beef at a price higher than the maximum price permitted therefor in paragraph (n) (2) of this section.

16. Section 1364.452 (n) (2) is amended by the addition of a footnote 10b to read as set forth below and the reference to footnote 10b to appear after the word "delivered" in the subparagraph immediately preceding the table headnote, all to read as follows:

(2) The maximum delivered 10b price for each of the following items of boneless processing beef shall be:

^{10b} If boneless processing beef is sold on an f. o. b. boning plant basis, the seller shall reduce the price specified above for the zone in which the boning plant is located by 25 cents per cwt., and the result shall be the selling f. o. b. boning plant price.

17. Section 1364.452 (o) (10) is amended by the addition of footnote 10c to read as set forth below and the reference to footnote 10c to appear immediately preceding the table headnote.

^{10c} The zone prices for ground beef and miscellaneous beef items applicable in zones 3 and 4 for sales by a hotel supply house to any purchasing agency of a war procurement agency are specified in § 1364.452 (p) (3). Any hotel supply house which sells or delivers ground beef or miscellaneous beef items to a war procurement agency at a zone price in excess of the zone prices specified in § 1364.452 (p) (3) shall no longer be deemed to be a hotel supply house and shall thereafter use the prices specified in § 1364.452 (o) (5) on sales or deliveries of fabricated beef cuts to purveyors of meals.

18. Section 1364.452 (p) (2) is amended to read as follows:

(2) Subject to the pricing instructions contained in paragraph (a) of § 1364.451, the maximum price for ground beef or each grade of each miscellaneous beef item shall be the applicable zone price determined in accordance with the provisions of said paragraph (a) of § 1364.451 and specified in paragraph (p) (3)

hereof, minus the required deductions, if any, specified in this paragraph (p) and in Schedule II (§ 1364.453) applicable to beef carcasses and wholesale cuts, plus the permitted additions, if any, specified in this paragraph (p) and in Schedule III (§ 1364.454).

19. In the table of § 1364.452 (p) (3), the heading to columns I and II and footnotes 1 and 2 are amended to read as follows:

I	II	
Ground beef, quick frozen and packaged in fiber or wooden containers. ¹	Ground beef patties, quick frozen and packaged in fiber or wooden containers. ²	• • •

¹If ground beef is not quick frozen, the applicable zone price shall be reduced 75 cents per cwt. If ground beef is unpackaged or packaged otherwise than in fiber or wooden containers, the applicable zone price shall be reduced 25 cents per cwt.

²If ground beef patties are not quick frozen, the applicable zone price shall be reduced 75 cents per cwt. If ground beef patties are unpackaged or packaged otherwise than in fiber or wooden containers, the applicable zone price shall be reduced 25 cents per cwt. For ground beef patties, quick frozen and packaged in double corrugated cartons containing 10 or 20 pounds of product which is wrapped in white wax paper and shipped with dry ice to assure delivery in a frozen condition, \$1.00 per cwt. may be added to the applicable zone price.

20. Section 1364.454 (a) (1) is amended to read as follows:

(1) For transportation from the point at which the meat was slaughtered in Price Zone 3 or 4 to a distribution point located in either of those price zones other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

21. Section 1364.454 (a) (2) is amended to read as follows:

(2) For transportation from the point at which the meat was slaughtered in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point, other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per hundredweight.

22. Section 1364.454 (a) (6) is redesignated (a) (7) and the first sentence thereof is amended to read as follows:

(7) Notwithstanding any of the provisions of paragraph (a) (1) to (a) (6), inclusive, of this Section 1364.454, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war pro-

curement agency, other government agency or commercial user of more than 50 cents per cwt. in Price Zone 1, 2, 5, 6, 7, 8, 9, or 10, inclusive, or \$1.00 per cwt. in Price Zones 3 and 4.

23. Section 1364.454(a) (6) is added to read as follows:

(6) If the seller is a packer's branch house, wholesaler or hotel supply house, who has paid a charge under paragraph (a) of this section for local delivery and/or transportation, he may upon the resale of beef carcasses and/or beef wholesale cuts upon which the charge has been made, add the amount of such charge up to \$.50 per cwt. on sales made from a distribution point located in Price Zones 1, 2, 5, 6, 7, 8, 9, or 10 inclusive, and up to \$1.00 per cwt. in Price Zones 3 and 4.

24. Section 1364.454(e) is amended to read as follows:

(e) *Freezing and/or packaging for war procurement agencies.* On sales of beef carcasses and/or beef wholesale cuts to a war procurement agency, the seller may add for packaging or wrapping (U.S. Government Specifications) 15 cents per cwt. and/or for freezing, 35 cents per cwt.

25. Section 1364.454(g) is amended to read as follows:

(g) *Peddler-truck selling addition.* On a peddler-truck sale involving delivery of not more than 100 pounds of beef in a total delivery of not more than 150 pounds of meats and meat products in any one day from such peddler-truck to any buyer's store door, a peddler may add to the prices specified in § 1364.452 (Schedule I), the sum of \$1.25 per cwt. If such sale involves a delivery of more than one hundred pounds of beef or a total delivery of more than 150 pounds of meats and meat products, the peddler may add to the prices specified in § 1364.452 (Schedule I) an amount not in excess of 75 cents per cwt. applicable to the total delivery of beef in the one day from such peddler-truck to the buyer's store door. These additions shall be in lieu of any local delivery and/or transportation addition permitted in § 1364.454.

26. Section 1364.455 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of beef carcasses and/or beef wholesale cuts, ground beef and miscellaneous beef items, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, through December 15, 1942, sold and/or delivered to purveyors of meals, not less than 70 percent of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, other than to war procurement agencies. The status of any selling establishment as a hotel supply house shall not be affected where such establishment is physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment, but is not owned or controlled by, or does not own or control such packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment. "Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10% of any class of outstanding stock or to have made loans or advances in excess of 5% of the other person's monthly sales. Any selling establishment which satisfies the definition herein contained and which in addition sells or delivers frozen boneless beef (Army Specifications) and/or ground beef and miscellaneous beef items to any purchasing agency of a war procurement agency shall nevertheless be deemed to be a hotel supply house.

27. Item (vii) of the Table contained in § 1364.467 (d) (2) is amended to read as follows:

	Choice or AA	Good or A	Commercial or B	Utility or C	Cull or D
• • • • •	•	•	•	•	•
(i) Kasher forequarter or forequarter ¹	18.75	13.00	10.75	15.00	11.75

28. Item (viii) of the Table contained in § 1364.467 (m) (2) is amended to read as follows:

	Zones									
	1	2	3	4	5	6	7	8	9	10
• • •	•	•	•	•	•	•	•	•	•	•
(viii) Boneless Kasher veal forequarter..... Note 1.	22.75	21.75	20.75	20.00	20.50	20.75	21.00	21.25	21.75	21.75

29. Section 1364.467 (m) (2) is redesignated § 1364.467 (m) (3), and the first paragraph thereof is amended to read as follows:

(3) The applicable zone price for each boneless or miscellaneous veal cut, in each price zone shall be:

30. Section 1364.467 (m) (2) is added to read as follows:

(2) Subject to the pricing instructions contained in paragraph (a) of § 1364.466, the maximum price for boneless and miscellaneous veal cuts shall be the applicable zone price determined in accordance with the provisions of said paragraph (a) of § 1364.466 and specified in paragraph (m) (3) hereof, minus the required deductions, if any, specified in Schedule V (§ 1364.468) applicable to veal carcasses and wholesale cuts, plus the permitted additions, if any, specified in Schedule VI (§ 1364.469).

31. Section 1364.469 (a) (1) is amended to read as follows:

(1) For transportation from the point at which the calf or calves were slaughtered in Price Zone 4 to a distribution point located in this price zone other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 75 cents per hundredweight.

32. Section 1364.469 (a) (2) is amended to read as follows:

(2) For transportation from the point at which the calf or calves were slaughtered in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10 to a distribution point located in the same price zone as the slaughter point other than another slaughtering or packing plant owned or controlled by the same seller, the seller may add the actual cost of transportation computed at the lowest common carrier rate for the method of transportation used, but in no event more than 25 cents per hundredweight.

33. Section 1364.469 (a) (6) is redesignated as (a) (7) and the first sentence thereof is amended to read as follows:

(7) Notwithstanding any of the provisions of paragraphs (a) (1) to (6), inclusive of this § 1364.469, nothing therein contained shall be construed to permit a total charge for transportation and/or local delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than 50 cents per hundredweight in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, or \$1.00 per hundredweight in Price Zone 4.

34. Section 1364.469 (a) (6) is added to read as follows:

(6) If the seller is a packer's branch house, wholesaler or hotel supply house who has paid a charge under paragraph (a) of this section for local delivery and/or transportation, he may upon the resale of the veal carcasses and/or veal wholesale cuts upon which the charge has

been made add the amount of such charge up to 50 cents per hundredweight on sales made from a distribution point located in Price Zone 1, 2, 3, 5, 6, 7, 8, 9, or 10, inclusive, and up to \$1.00 per hundredweight in Price Zone 4.

35. Section 1364.469 (1) is amended to read as follows:

(1) *Peddler-truck selling addition.* Where the seller makes a peddler-truck sale involving delivery of not more than 100 pounds of veal in a total delivery of not more than 150 pounds of meat and meat products in any one day from such peddler-truck to any buyer's store door, he may add to the price specified in § 1364.467 (Schedule IV) the sum of \$1.25 per cwt. If such sale involves a delivery of more than 100 pounds of veal or a total delivery of more than 150 pounds of meat and meat products, the peddler may add to the prices specified in § 1364.467 (Schedule IV), an amount not in excess of 75 cents per cwt. applicable to the total delivery of veal in the one day from such peddler truck to the buyer's store door. These additions shall be in lieu of any local delivery and/or transportation addition permitted in § 1364.469.

36. Section 1364.470 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and the sale of fabricated meat cuts to purveyors of meals, including the sale of veal carcasses and/or veal wholesale cuts, boneless and miscellaneous veal cuts, variety meats and edible by-products and sausage to purveyors of meals, and in the sale of retail meat cuts, variety meats and edible by-products and/or processed meat products to ultimate consumers pursuant to the provisions of § 1364.416 of this regulation; and which during the period of September 15, 1942 through December 15, 1942, sold and/or delivered to purveyors of meals not less than 70% of the total volume by weight of all meats, variety meats and edible by-products and/or sausage and similar products thereof, sold or delivered by it, other than to war procurement agencies. The status of any selling establishment as a hotel supply house shall not be affected where such establishment is physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment, but is not owned or controlled by, or does not own or control such packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment. "Own or control" within the meaning of this definition means to own or control directly or indirectly a partnership equity or in excess of 10% of any class of outstanding stock or to have made loans or advances in excess of 5 percent of the other person's monthly sales. Any selling establishment which satisfies the definition herein contained and which in addition sells or delivers

frozen boneless beef (Army Specifications) and/or ground beef and miscellaneous beef items to any purchasing agency of a war procurement agency shall nevertheless be deemed to be a hotel supply house.

This amendment shall become effective August 12, 1944.

NOTE: The record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11790; Filed, August 7, 1944;
11:48 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11, Amdt. 20]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5363 (a) (2) is amended to read as follows:

(2) Where portable or non-portable space heaters are to be used, not more than 550 square feet of floor area may be counted for each such space heater, except that in Zone D, and in that part of sub-zone 15A located in Virginia, and in the municipality of Richmond, Virginia not more than 950 square feet of floor area may be counted for each non-portable space heater, and not more than 850 square feet of floor area may be counted in Zones A3, B3 and C3 for each non-portable circulating space heater having an output of 50,000 or more British Thermal Units; and

This amendment shall become effective on August 7, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-0, as amended, 8 F.R. 14199; E.O. 9125, 7 F.R. 2710)

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11791; Filed, August 7, 1944;
11:47 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14, Amdt. 157]

DOMINION ELECTRICAL MFG., INC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respect:

*Copies may be obtained from the Office of Price Administration.

19 F.R. 2357.

Section 6.54 is added to read as follows:

SEC. 6.54 *Maximum prices for resales of an electric iron manufactured by Dominion Electrical Mfg. Inc.*—(a) *Maximum prices.* This section fixes maximum prices for resales of the Model No. 242A "Handyhot" electric iron with aluminum alloy sole plate manufactured by Dominion Electrical Mfg. Inc., Mansfield, Ohio, as follows:

(1) For all sales and deliveries on and after August 12, 1944, by the Chicago Electric Manufacturing Company, 6333 West 65th Street, Chicago 38, Illinois, the maximum prices are those set forth below, inclusive of Federal Excise Tax:

	Each
To jobbers.....	\$3.04
To retailers.....	3.982

These prices are f. o. b. Chicago, Illinois or Galion, Ohio, and are subject to terms, discounts, and allowances no less favorable than those in effect during March 1942 on sales of similar articles by the seller.

(2) For all sales and deliveries on and after August 12, 1944, by jobbers to retailers, the maximum price shall be \$3.982 each, inclusive of Federal Excise Tax. This price is f. o. b. seller's place of business and is subject to terms, discounts, and allowances no less favorable than those in effect during March 1942 on sales of similar articles by the seller.

(3) For all sales and deliveries by any person at retail, the maximum price is \$6.50 each, inclusive of Federal Excise Tax.

(b) *Tagging.* To every Model 242A "Handyhot" electric iron which it delivers on and after August 12, 1944 Chicago Electric Manufacturing Co. shall attach a tag or label which plainly states the retail ceiling price established by this section. A statement in the following form will be satisfactory:

O. P. A. Retail Ceiling Price..... \$6.50

(c) *Notification.* At the time of or prior to the first invoice on and after August 12, 1944, covering a sale of the electric iron described above, Chicago Electric Manufacturing Co. and every jobber shall notify, in writing, their purchasers for resale of the maximum prices and conditions set by this section for resales by the purchaser. This notice may be given in any convenient form.

This section shall become effective on the 12th day of August 1944.

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11792; Filed, August 7, 1944;
11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 159]

MUSSEL SHELLS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith

and filed with the Division of the Federal Register.*

Revised Supplementary Regulation No. 14 is amended in the following respects:

Section 6.45 is amended to read as follows:

SEC. 6.45 *Mussel shells.* Diggers of mussel shells used in the production of pearl buttons may sell and deliver "Pigtoe", "Washboard", "Niggerhead" and "Sandshell" shells secured along the banks of the Tennessee River and Ohio River at prices not to exceed the following maximum prices:

For "Pigtoe" shells, 125% of the maximum prices established under the General Maximum Price Regulation, or \$40.00 per ton, whichever is lower, f. o. b. river bank.

For all "Washboard" shells: 125% of the maximum prices established under the General Maximum Price Regulation, or \$18.75 per ton, whichever is lower, f. o. b. river bank.

For "Niggerhead" shells: 125% of the maximum prices established under the General Maximum Price Regulation, or \$62.50 per ton, whichever is lower, f. o. b. river bank.

For "Sandshell" shells: 125% of the maximum prices established under the General Maximum Price Regulation, or \$75.00 per ton, whichever is lower, f. o. b. river bank.

This section shall expire on December 31, 1944.

This amendment shall become effective August 5, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11740; Filed, August 5, 1944;
4:34 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service, Federal Security Agency

PART 30—UNIFORM AND INSIGNIA OF THE UNITED STATES CADET NURSE CORPS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in Public Law 74, 78th Congress, approved June 15, 1943, and Public Law 248, 78th Congress, approved March 4, 1944, authorizing the Surgeon General to prescribe uniforms and distinctive insignia for the United States Cadet Nurse Corps, §§ 30.2 (c) and 30.3 (9 F.R. 4246) of the regulations of the Surgeon General governing the uniform and insignia of the United States Cadet Nurse Corps are hereby amended to read as follows:

§ 30.2 *Prescribed distinctive insignia.*

(c) *Shoulder epaulet markings.*
Pre-Cadet Nurse: Plain epaulets.
Junior Cadet Nurse: One silver or white embroidered Maltese cross centered on each epaulet.

*Copies may be obtained from the Office of Price Administration.

Senior Cadet Nurse: Two silver or white embroidered Maltese crosses on each epaulet placed $\frac{3}{4}$ of an inch front and back of shoulder seam.

Graduate Cadet Nurses Engaged in Essential Civilian Nursing Services: Three silver or white embroidered Maltese crosses spaced evenly on each epaulet.

§ 30.8 *Persons eligible to wear the uniform without the designated distinctive insignia under § 30.2 (d).* Nurses receiving post-graduate instruction under Public Law 74, 78th Congress, graduate nurses who are employed in the training of U. S. Cadet Nurses, and persons employed in connection with the administration of Public Law 74, 78th Congress, and any amendments thereto, and who have been authorized by the Surgeon General may wear the uniform and insignia designated or prescribed in these regulations without the designated distinctive insignia under § 30.2 (d): *Provided, however,* That they shall purchase the uniforms at their own expense; *And further provided,* That they shall replace the words "Cadet Nurse" with the words "Nurse Education" on the sleeve markings and shall wear shoulder epaulets containing three silver or white embroidered Maltese crosses spaced evenly on each epaulet.

Dated: August 4, 1944.

[SEAL] THOMAS PARRAN,
Surgeon General.

Approved: August 4, 1944.

WATSON B. MILLER,
Acting Federal Security
Administrator.

[F. R. Doc. 44-11715; Filed, August 5, 1944;
11:22 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167, 54 Stat. 1028 (46 U. S. C. 375, 391a, 404, 481, 489, 367, 526-526t, 463a), and Executive Order 9033, dated February 23, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation Regulations and approval of equipment are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3-1 (d) is amended to read as follows:

§ 33.3-1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* * * *

(d) *Compass and mounting.* One efficient liquid compass with not less than a 2-inch card. On and after January 1, 1945, all compasses and mountings for new installations or replacements shall be of an approved type. The Coast Guard specification for such approved

type, which requires a card of not less than 3¼ inches in diameter, will be made available upon request.

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

LIFEBOATS, LIFE RAFTS, BUOYANT APPARATUS, AND DAVITS

Section 37.1-4 *Lifeboat davits—TB/ALL* (6 F.R. 6704, 9 F.R. 5997) is amended by changing A. S. T. M. specifications designations in paragraphs (d), (e), and (f) from A 27-39 and A 215-39T to A 27-42 and A 215-41, respectively.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.3 *Strength and operation of davits* is amended by changing A. S. T. M. specifications designations in paragraphs (j), (k), and (l) from A 27-30 and A 215-39T to A 27-42 and A 215-41, respectively.

Section 59.11 (d) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* * * *

(d) *Compass and mounting.* One efficient liquid compass with not less than a 2-inch card. On and after January 1, 1945, all compasses and mountings for new installations or replacements shall be of an approved type. The Coast Guard specification for such approved type, which requires a card of not less than 3¼ inches in diameter, will be made available upon request.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.9 (d) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* * * *

(d) *Compass and mounting.* (See § 59.11 (d) of this chapter which is identical with this section.)

Section 60.21 *How lifeboats shall be carried; davits and cranes required* is amended by changing A. S. T. M. specifications designations from A 27-39 and A 215-39T to A 27-42 and A 215-41, respectively.

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.15 *How lifeboats shall be carried; davits and cranes required* is amended by changing the A. S. T. M. specifications designations from A 27-39 and A 215-39T to A 27-42 and A 215-41, respectively.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.14 *How lifeboats shall be carried; davits and cranes required* is amended by changing the A. S. T. M. specifications designations from A 27-39 and A 215-39T to A 27-42 and A 215-41, respectively.

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.23 *How lifeboats shall be carried; davits and cranes required* is amended by changing the A. S. T. M. specifications designations from A 27-39 and A 215-39T to A 27-42 and A 215-41, respectively.

APPROVAL OF EQUIPMENT

FIRE INDICATING AND ALARM SYSTEM

Fire Detecting System, MacKenzie Marine Double Action Spot Fire Lowcating System (Dwgs. Nos. MSFLS-15-A, Alt. A; MSFLS-7-C, Alt. C; MSFLS-11-A, Alt. A; MSFLS-12-A, Alt. A; MSFLS-5-B-O, Alt. O; MSFLS-5-B, Alt. B; MSFLS-10-A, Alt. A; MSFLS-16-A, Alt. A; Cat. No. N-101000; Cat. No. N-354000; Cat. No. N-353000; Cat. No. M-356000; and Cat. No. M-357000), submitted by Anderson & McKenzie, 163 Mercer Street, New York 12, N. Y.

FLASHLIGHT

Flashlight, Model 3451, (Assembly Dwg. No. 3451, dated 11 November, 1943, and material list 3451, dated 12 May, 1944), submitted by Usona Manufacturing Company, 24 Eleventh Street, Toledo, Ohio.

LIFEBOATS

31' x 11' 3" x 4' 6" metallic hand propelled lifeboat (990 cu. ft. capacity) (Construction and Arrangement Dwg. No. 2665, dated 31 July, 1943), constructed by the Welin Davit & Boat Corp., Perth Amboy, N. J. (This replaces approval 8 F.R. 12518, September 11, 1943.)

24' x 7' x 3' metallic car-propelled lifeboat (302 cu. ft. capacity) (General Arrangement & Construction Dwg. No. 2435, dated 19 June, 1944), submitted by Lane Lifeboat & Davit Corp., Foot of 40th Road, Flushing, N. Y.

LIFE FLOAT

25-person, solid rectangular balsa wood life float, (Dwg. No. F-101, dated 29 May, 1944), submitted by Modcraft Co., Inc., 300 Wyckoff Avenue, Brooklyn, N. Y.

LIFE PRESERVERS

Model No. 1, adult kapok life preserver (G. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944) Approval No. B-229, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, N. Y. (For general use.)

Model No. 2, adult kapok life preserver (G. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-230, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, New York. (For general use.)

Model No. 3, adult kapok life preserver (G. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-231, manufactured by Grand Novelty Co., 273 State Street, Brooklyn, N. Y. (For use with rubber lifesaving suits.)

Adult kapok life preserver (Standard Navy type 23P12) (Navy Bureau of Ships Drawing No. 83927, Alt. I, 83928, Alt. G, and Ad Interim Specification 23P12), Approval No. B-228, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, New York. (For general use.)

TELEPHONE SYSTEMS

Sound powered telephone for wheelhouse, splashproof, Type A, Model W, Drawing No. 1, Alt. O; Sound powered telephone for engine room, splashproof, Type A, Model E, Drawing No. 3, Alt. O; Sound powered telephone and

relay for engine room, splashproof, Type A, Model E, Drawing No. 4, Alt. O; Sound powered telephone for crow's nest only, watertight, bulkhead mounting, 3-inch W. T. bell, Type A, Model W. T., Drawing No. 5, Alt. O; Sound powered telephone, watertight, bulkhead mounting, 6-inch W. T. bell, Type A, Model W. T., Drawing No. 6, Alt. O; Sound powered telephone, watertight, pedestal mounting, 6-, 8- or 10-inch bell, Type A, Model W. T. P., Drawing No. 8, Alt. O; submitted by the Hose-McCann Telephone Co., Inc., 177 Pacific Street, Brooklyn, New York. (These approvals replace the approvals of telephone systems of same types and model numbers made in 1936.)

R. R. WAESCHE,
Vice Admiral, USCG, Commandant.
AUGUST 5, 1944.

[F. R. Doc. 44-11742; Filed, August 7, 1944;
8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S.O. 200, Amdt. 2]

PART 95—CAR SERVICE

REFRIGERATION OF POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of August, A. D. 1944.

Upon further consideration of the provisions of Service Order No. 200 (9 F.R. 4402) of April 22, 1944, as amended (9 F.R. 5960), and good cause appearing therefor:

It is ordered, That Service Order No. 200 of April 22, 1944, be, and it is hereby, further amended by adding the following exception to paragraph (a) (1) of § 95.337, thereof:

Exception: Bunkers may be filled for the first or initial icing, except on refrigerator cars originating in Quay, Curry and Roosevelt Counties, New Mexico, or in the Hereford District of the Texas Panhandle (Cochran, Hockley, Lubbock, Crosby, Dickens, King Counties and north thereof), the first or initial icing shall be limited to the amount of ice that will fill each bunker to not more than three-fourths of that bunker's capacity.

It is further ordered, That this order shall become effective 12:01 a. m., August 5, 1944, and shall expire at 12:01 a. m., September 15, 1944; that a copy of this order and direction shall be served upon the State Commission of each State specified in the exception herein; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-11719; Filed, August 5, 1944,
11:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

PART 205—ALASKA PENINSULA AREA FISHERIES

AREAS OPEN TO SALMON TRAPS

Effective only through December 31, 1944, § 205.17 *Areas open to salmon traps*, is amended as follows:

Subsection (f) is hereby suspended, and subsection (a) is hereby amended to read as follows:

(a) Unimak Island: Along the coast on the west and south sides of Ikatan Bay (1) from a point on False Pass (Isanotski Strait) at 54 degrees 48 minutes 54 seconds north latitude, 163 degrees 22 minutes 18 seconds west longitude, to a point at 54 degrees 46 minutes 44 seconds north latitude, 163 degrees 21 minutes 32 seconds west longitude, and (2) from a point at 54 degrees 45 minutes 18 seconds north latitude, 163 degrees 17 minutes 30 seconds west longitude, to a point on Louisiana Cove at 54 degrees 46 minutes 3 seconds north latitude, 163 degrees 10 minutes west longitude.

OSCAR L. CHAPMAN,
Assistant Secretary.

Approved: August 1, 1944.

[F. R. Doc. 44-11758; Filed, August 7, 1944;
11:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

WYOMING

WITHDRAWAL OF PUBLIC LANDS

Stock Driveway Withdrawal No. 144, Wyoming No. 18, modified; Stock Driveway Withdrawal No. 158, Wyoming No. 26, redesignated and included in Stock Driveway Withdrawal No. 144, Wyoming No. 18.

By virtue of the authority contained in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (U.S.C. title 43, sec. 315f), and in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (U.S.C., title 43, sec. 300), it is ordered as follows:

The following-described public lands in Wyoming are hereby classified as necessary and suitable for the purpose and, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved, subject to valid existing rights, for the

No. 157—7

use of the general public as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 80 W.,
Sec. 12, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 30 N., R. 80 W.,
Sec. 7, lot 21.
T. 40 N., R. 80 W.,
Sec. 28, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 38 N., R. 81 W.,
Sec. 21, W $\frac{1}{2}$ W $\frac{1}{2}$; Sec. 29, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 39 N., R. 81 W.,
Sec. 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 636.87 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and such regulations as have been or may be issued thereunder.

The order of the First Assistant Secretary of the Interior of April 20, 1921, establishing Stock Driveway Withdrawal No. 144, Wyoming No. 18, is hereby revoked so far as it affects the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 81 W.,
Sec. 5, NE $\frac{1}{4}$.
The area described contains 160.62 acres.

Stock Driveway Withdrawal No. 158, Wyoming No. 26, as established by the order of the Acting Secretary of the Interior of July 1, 1922, and consisting of the following-described land, is hereby redesignated as a part of Stock Driveway Withdrawal No. 144, Wyoming No. 18:

SIXTH PRINCIPAL MERIDIAN

T. 31 N., R. 82 W.,
Sec. 14, E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$.
The areas described aggregate 320 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 1, 1944.

[F. R. Doc. 44-11759; Filed, August 7, 1944;
11:16 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-30]

BUTLER BROTHERS CO.

FINDING AS TO CONTRACTS IN PROSECUTION OF THE WAR

Finding of the Secretary, No. WLD-30 (Case No. S-1120).

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. Law 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER on August 11, 1943, and

Having been advised of the existence of a labor dispute involving Butler Brothers Company, Minneapolis, Minnesota:

I find that the storing and warehousing of general merchandise by the But-

ler Brothers Company pursuant to any contract, whether oral or written, is contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 5th day of August 1944.

D. W. TRACY,
Acting Secretary.

[F. R. Doc. 44-11770; Filed, August 7, 1944;
11:46 a. m.]

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Acme Cloth Reel Company, 214 West McBea Avenue, Greenville, South Carolina; cloth reels and cloth winding boards; 2 learners (T); reinforcing ends of cloth reels and pasting lettered labels for a learning period of 240 hours at 35 cents per hour; effective August 8, 1944, expiring February 8, 1945.
Colonial Felt Mills, 223 E. Fourth Street, St. Paul, Minnesota; hand woven rugs and pillows; 76 learners (T); weaving and stringing, cutting, measuring, and sewing for a learning period of 320 hours at 35 cents per hour; effective July 31, 1944, expiring January 31, 1945.

Latin American Trading Company, Tampa, Florida; desiccating and dehydrating fresh coconut meat; 16 learners (T); coconut peeling for a learning period of 240 hours at 30 cents per hour for the first 160 hours and 35 cents per hour for the next 80 hours; effective August 7, 1944, expiring February 7, 1945.

Rentz Banking Company, Rentz, Georgia; banking; 1 learner (T); posting machine operator—bookkeeper for a learning period of 160 hours at 35 cents per hour; effective August 7, 1944, expiring September 11, 1944.

Signed at New York, New York, this 5th day of August 1944.

PAULINE C. GILBERT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 44-11755; Filed, August 7, 1944;
10:51 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order June 7, 1943 (8 F.R. 1890).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, July 17, 1944 (9 F.R. 7125).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

The Badger Raincoat Company, 342 North Water Street, Milwaukee, Wisconsin; mackinaws and jackets; 3 learners (T); effective August 3, 1944, expiring August 2, 1945.

Dixie Dress Manufacturing Company, 116 Mitchell Street, S. W., Atlanta, Georgia; dresses, uniforms, shirts and blouses; 10 learners (T); effective August 5, 1944, expiring August 4, 1945.

Forest City Manufacturing Company, 1641 Washington Avenue, St. Louis, Missouri; women's apparel; 90 learners (E); effective August 1, 1944, expiring January 31, 1945.

Fox Knapp Manufacturing Company, Tremont, Pennsylvania; work clothing; 10 percent (T); effective August 5, 1944, expiring August 4, 1945.

Kings Dresses; Glasco, New York; dresses and housecoats; 10 percent (T); effective August 3, 1944, expiring August 2, 1945.

Louis Lewin Company, 1108 South Fourth Street, Clinton, Indiana; work clothing; 10 percent (T); effective August 3, 1944, expiring August 2, 1945.

M. & R. Shirt Company, 226 New Brunswick Avenue, Perth Amboy, New Jersey; Men's dress and sport shirts; 5 learners (T); effective July 31, 1944, expiring January 30, 1945.

Southern Garment Manufacturing Company, Inc., Culpeper, Virginia; work pants; 10 percent (T); effective August 1, 1944, expiring July 31, 1945.

Sweet Manufacturing Company, 1100 Commerce Street, Dallas, Texas; sport shirts, neckwear; 10 percent (T); effective August 2, 1944, expiring August 1, 1945.

GLOVE INDUSTRY

The Boss Manufacturing Company, Olisco Texas; work gloves; 50 learners (E); effective August 1, 1944, expiring January 31, 1945.

HOSIERY INDUSTRY

Crystal Hosiery Mill, Denton, North Carolina; seamless hosiery; 5 learners (T); effective August 3, 1944, expiring August 2, 1945.

Quality Hosiery Mills, 224 Main Street, Smithville, Tennessee; seamless hosiery; 25 learners (E); effective August 1, 1944, expiring January 31, 1945.

Union Manufacturing Company, Union Point, Georgia; seamless hosiery; 10 percent (AT); effective August 2, 1944, expiring February 1, 1945.

TELEPHONE INDUSTRY

Aitkin-Deerwood Telephone Company, Aitkin, Minnesota; to employ learners as commercial switchboard operators at its Aitkin exchange, located at Aitkin, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Aitkin-Deerwood Telephone Company, Crosby, Minnesota; to employ learners as commercial switchboard operators at its Crosby exchange, located at Crosby, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Ashland Home Telephone Company, Catlettsburg, Kentucky; to employ learners as commercial switchboard operators at its Catlettsburg exchange, located at Catlettsburg, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Ashland, Kentucky; to employ learners as commercial switchboard operators at its Ashland exchange, located at Ashland, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Berea, Kentucky; to employ learners as commercial switchboard operators at its Berea exchange, located at Berea, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Flemingsburg, Kentucky; to employ learners as commercial switchboard operators at its Flemingsburg exchange, located at Flemingsburg, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Hazard, Kentucky; to employ learners as commercial switchboard operators at its Hazard exchange, located at Hazard, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Morehead, Kentucky; to employ learners as commercial switchboard operators at its Morehead exchange, located at Morehead, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Ashland Home Telephone Company, Russell, Kentucky; to employ learners as commercial switchboard operators at its Russell exchange, located at Russell, Kentucky; effective August 7, 1944, expiring August 6, 1945.

Carver County Telephone Company, Chaska, Minnesota; to employ learners as commercial switchboard operators at its Chaska exchange, located at Chaska, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Carver County Telephone Company, Norwood, Minnesota; to employ learners as commercial switchboard operators at its Norwood exchange, located at Norwood, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Cazenovia Telephone Corporation, Cazenovia, New York; to employ learners as commercial switchboard operators at its Cazenovia exchange, located at Cazenovia, New York; effective August 4, 1944, expiring August 3, 1945.

Eastern Illinois Telephone Company, Rantoul, Illinois; to employ learners as commercial switchboard operators at its Rantoul exchange, located at Rantoul, Illinois; effective August 2, 1944, expiring August 1, 1945.

Farmers New Era Telephone Company, Hebron, Illinois; to employ learners as commercial switchboard operators at its Hebron exchange, located at Hebron, Illinois; effective August 4, 1944, expiring August 3, 1945.

Howato Telephone Company, Kokato, Minnesota; to employ learners as commercial switchboard operators at its Kokato exchange, located at Kokato, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Long Prairie Telephone Company, Long Prairie, Minnesota; to employ learners as commercial switchboard operators at its Long Prairie exchange, located at Long Prairie, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Mid-West States Telephone Company, Oakfield, Wisconsin; to employ learners as commercial switchboard operators at its Oakfield exchange, located at Oakfield, Wisconsin; effective August 4, 1944, expiring August 3, 1945.

Ohio Standard Telephone Company, Brookville, Ohio; to employ learners as commercial switchboard operators at its Brookville exchange, located at Brookville, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Carrollton, Ohio; to employ learners as commercial switchboard operators at its Carrollton exchange, located at Carrollton, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Hicksville, Ohio; to employ learners as commercial switchboard operators at its Hicksville, Ohio exchange, located at Hicksville, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Georgetown, Ohio; to employ learners as commercial switchboard operators at its Georgetown exchange, located at Georgetown, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Jackson, Ohio; to employ learners as commercial switchboard operators at its Jackson exchange, located at Jackson, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone, Mechanicsburg, Ohio; to employ learners as commercial switchboard operators at its Mechanicsburg exchange, located at Mechanicsburg, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Minerva, Ohio; to employ learners as commercial switchboard operators at its Minerva exchange, located at Minerva, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, New Lebanon, Ohio; to employ learners as commercial switchboard operators at its New Lebanon exchange, located at New Lebanon, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Oxford, Ohio; to employ learners as commercial switchboard operators at its Oxford exchange, located at Oxford, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Plain City, Ohio; to employ learners as commercial switchboard operators at its Plain City exchange, located at Plain City, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Pomeroy, Ohio; to employ learners as commercial switchboard operators at its Pomeroy exchange, located at Pomeroy, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, Trotwood, Ohio; to employ learners as commercial switchboard operators at its Trotwood exchange, located at Trotwood, Ohio; effective August 7, 1944, expiring August 6, 1945.

Ohio Standard Telephone Company, West Milton, Ohio; to employ learners as commercial switchboard operators at its West Milton exchange, located at West Milton, Ohio; effective August 7, 1944, expiring August 6, 1945.

Primghar Telephone Company, Primghar, Iowa; to employ learners as commercial switchboard operators at its Primghar exchange, located at Primghar, Ohio; effective August 4, 1944, expiring August 3, 1945.

Ohio Standard Telephone Company, Wellston, Ohio; to employ learners as commercial switchboard operators at its Wellston exchange, located at Wellston, Ohio; effective August 7, 1944, expiring August 6, 1945.

Rural Telephone Company, Osseo, Minnesota; to employ learners as commercial switchboard operators at its Osseo, Minnesota exchange, located at Osseo, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Swift County Telephone Corporation, Benson, Minnesota; to employ learners as commercial switchboard operators at its Benson exchange, located at Benson, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Taylor County Service Company, Bedford, Iowa; to employ learners as commercial switchboard operators at its Bedford exchange, located at Bedford, Iowa; effective August 4, 1944, expiring August 3, 1945.

Telephone Exchange, Prescott, Arkansas; to employ learners as commercial switchboard operators at its Prescott exchange, located at Prescott, Arkansas; effective August 4, 1944, expiring August 3, 1945.

Wabasha County Telephone Company, Plainview, Minnesota; to employ learners as commercial switchboard operators at its Plainview exchange, located at Plainview, Minnesota; effective August 2, 1944, expiring August 1, 1945.

Winnebago County Telephone Company, Rockton, Illinois; to employ learners as commercial switchboard operators at its Rockton exchange, located at Rockton, Illinois; effective August 4, 1944, expiring August 3, 1945.

Winona County Telephone Company, Lewiston, Minnesota; to employ learners as commercial switchboard operators at its Lewiston exchange, located at Lewiston, Minnesota; effective August 2, 1944, expiring August 1, 1945.

TEXTILE INDUSTRY

Cabin Handicrafters, Inc., Clayton, Georgia; cotton rugs, mats and bags; 3 learners (T); effective August 8, 1944, expiring February 7, 1945.

Signed at New York, N. Y., this 5th day of August 1944.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 44-11756; Filed, August 7, 1944;
10:51 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 13-401-B-1]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Northeast Airlines, Inc., to amend its certificate of public convenience and necessity for route No. 27 to include Lawrence, Massachusetts, as an intermediate point under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the said act, that a public hearing in the above-entitled proceeding is assigned to be heard at 10 a. m. (eastern war time), August 11, 1944, Room 5417 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., August 2, 1944.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 44-11712; Filed, August 5, 1944;
11:08 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-562]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

AUGUST 4, 1944.

Notice is hereby given that on July 31, 1944, an application was filed with the Federal Power Commission by Consolidated Gas Utilities Corporation ("Applicant"), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, for a temporary and a permanent certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as

amended, to authorize the Applicant to construct and operate a 6 $\frac{3}{8}$ inch O. D. natural gas pipe line approximately 2 $\frac{1}{2}$ miles in length, extending in a generally northerly direction from a gas well known as the Ben Gralapp et al. Collinson No. 1, located in Section 29, Township 34 South, Range 3 East, Cowley County, Kansas, to a point of connection with Applicant's existing double 6-inch line in Section 17, Township 34 South, Range 3 East, Cowley County, Kansas, together with necessary appurtenant facilities and a measuring station to be located adjacent to the above well, or in the alternative, that the Commission determine that it has no jurisdiction over the proposed construction.

Applicant asserts that, in order to adequately supply the needs of its customers on its system during the 1944-1945 heating season, it is necessary that the line be completed by November 1, 1944.

Applicant further recites that the gas transported through the proposed pipe line will be used for general service, but principally to supply the city of Winfield, Kansas, and the United States Army Air Base near Winfield, Kansas.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of August, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-11717; Filed, August 5, 1944;
11:34 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 1903]

CONCORD ELECTRIC CO.

ORDER GRANTING REHEARING AND STAY

AUGUST 1, 1944.

Upon application filed July 20, 1944, by Concord Electric Company for rehearing on the Commission's order of June 22, 1944, authorizing issuance of a license (major) for the constructed Sewalls Falls project located on the Merrimack River at Concord, New Hampshire, Project No. 1903; and

It appearing that the petitioner requests a rehearing with respect to its contentions that:

(a) The finding that the existing power plant is obsolete should be eliminated from the Commission's order of June 22, 1944;

(b) The requirement for a fish ladder should be modified to require its construction only when substantial alterations or repairs are made to the dam;

(c) The requirement that the licensee shall reconstruct the project upon order of the Commission should be eliminated;

The Commission finds that: Upon the circumstances it is necessary and appropriate to grant the application for rehearing and to stay the Commission's order of June 22, 1944, as hereinafter provided;

It is ordered, That: (A) The application for a rehearing on the Commission's order of June 22, 1944, be and it is hereby granted, such rehearing to be held at a time and place to be hereafter fixed by the Commission;

(B) The order of June 22, 1944, be and it is hereby stayed until further order of the Commission.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-11743; Filed, August 7, 1944;
10:13 a. m.]

[Docket No. G-560]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

AUGUST 4, 1944.

Notice is hereby given that on July 28, 1944, an application was filed with the Federal Power Commission by Consolidated Gas Utilities Corporation ("Applicant"), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, for a temporary and a permanent certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to install and operate at its Pitsch compressor station in Wheeler County, Texas, a 400 H. P. gas compressor unit, and water and gas cooling coils and other auxiliary equipment to supplement its principal cooling facilities and other necessary miscellaneous equipment.

Applicant asserts that the installation of the additional facilities in its Pitsch compressor station is required to enable Applicant to maintain general gas service to its existing customers served from its pipe line system having as its termini Wheeler County, Texas, and Lyons, Kansas, due to the fact that the wells in the east end of the Panhandle Gas Field have declined in pressures since the original installation of the Pitsch compressor station.

It is further asserted by the Applicant that it is imperative that the proposed installation of the facilities above referred to commence as soon as possible in order to increase the deliverability of its Pitsch compressor station to meet the demands upon its system during the 1944-1945 heating season.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 24th day of August, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-11744; Filed, August 7, 1944;
10:13 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 430]

RECONSIGNMENT OF POTATOES AT MINNEAPOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, August 2 or 3, 1944, by Phil Malot Company, Inc., of car WFEX 60324, potatoes, now on the CRI&P, to Morris Goldman, Inc., Milwaukee, Wisconsin.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11718; Filed, August 5, 1944;
11:45 a. m.]

[S. O. 70-A, Special Permit 431]

RECONSIGNMENT OF CANTALOUPE AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, August 3, 1944, by Shapiro Brothers Inc., of car PFE 75971, cantaloupes, now on the Frisco to Galinsky Fruit Company, Sioux City, Iowa, via CB&Q.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing

it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11780; Filed, August 7, 1944;
11:41 a. m.]

[S. O. 70-A, Special Permit 432]

RECONSIGNMENT OF WATERMELONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 3, 1944, by Cohen & Gordon of car L&N 98068, watermelons, now on the Chicago Produce Terminal, to Harry Kupay, Milwaukee, Wisconsin, via C&NW.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11781; Filed, August 7, 1944;
11:41 a. m.]

[S. O. 70-A, Special Permit 433]

RECONSIGNMENT OF HONEYDEW MELONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 4, 1944, by Kaiser Brothers of car PFE 97074, honeydew melons, now on the Chicago Produce Terminal, to New York, New York, via Erie Railroad.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11782; Filed, August 7, 1944;
11:41 a. m.]

[S. O. 70-A, Special Permit 434]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, August 4, 1944, by La Mantia Brothers Arrigo of car FGE 51390, apples, now on the Pennsylvania Railroad to L. Singer & Sons Produce Company, Kansas City, Missouri-Kansas, via Wabash.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11783; Filed, August 7, 1944;
11:41 a. m.]

[S. O. 200, Amended General Permit 14]

REICING OF POTATOES IN HEREFORD, TEX., DISTRICT

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord one reicing with only so much ice as is necessary to bring the ice in each bunker up to, but not above, three-fourths of that bunker's capacity, on any refrigerator

car loaded with potatoes originating at any point or points in the Hereford, Texas District (includes counties in Texas Panhandle, Cochran, Hockley, Lubbock, Crosby, Dickens, King and north thereof). The reicing may be accorded at stations designated by shippers, or at carriers option, at the first station on either side of such designated station.

This general permit shall become effective at 12:01 a. m., August 5, 1944, and shall expire at 12:01 a. m., September 15, 1944.

This general permit shall apply to cars billed or rolling on or after the effective date hereof.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August 1944.

V. C. CLINGER,
Director, Bureau of Service.

[F. R. Doc. 44-11784; Filed, August 7, 1944;
11:42 a. m.]

[S. O. 200, Amended General Permit 15]

REICING OF POTATOES IN DESIGNATED COUNTIES IN NEW MEXICO

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice once, with only so much ice as is necessary to bring the ice in each bunker up to, but not above three-fourths of that bunker's capacity, any refrigerator car loaded with potatoes originating at points in Quay, Curry and Roosevelt Counties, New Mexico. The reicing may be accorded at stations designated by shippers, or at carriers' option, at the first station on either side of such designated station. This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective at 12:01 a. m., August 5, 1944, and shall expire at 12:01 a. m., September 15, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of August 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11785; Filed, August 7, 1944;
11:42 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev. 12, Amdt. 1]

ALTHAUSER EXPRESS AND VAN CO., ET AL.

REGISTRATION OFFICE AT NEW YORK, NEW YORK, FOR HOUSEHOLD GOODS MOTOR CARRIERS

Harry Althausen and Catherine Althausen, doing business as Althausen Express and Van Co., et al.

Upon consideration of a petition for amendment of Supplementary Order ODT 3, Revised-12 (8 F.R. 1046), filed with the Office of Defense Transportation by the president of New York Movers Registration Office, Inc., which registration office was created pursuant to the above-named supplementary order, and good cause appearing therefor,

It is hereby ordered, That the first paragraph of item 1 of Supplementary Order ODT 3, Revised-12, be, and it hereby is, amended to read as follows:

1. The carriers, and each of them, named in the appendix hereof (hereinafter collectively called "carriers"), respectively, in the transportation of household goods as a common carrier by motor vehicle or in the collection of shipments of household goods which will be transported by rail, water, freight forwarder, or air, shall establish an office (hereinafter referred to as "registration office") at New York, New York, to facilitate the movement of shipments of household goods, in the following manner:

Issued at Washington, D. C., this 7th day of August 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 44-11753; Filed, August 7, 1944;
10:55 a. m.]

[Special Order ODT B-56]

QUAKER CITY BUS CO.

SUSPENSION OF OPERATIONS BETWEEN NEW YORK, N. Y., AND BOSTON, MASS.

Pursuant to the act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, and 9156, and War Production Board Directive 21; and in order to secure maximum use of existing transportation facilities; to conserve and providently utilize vital equipment, material, and supplies; to prevent possible traffic congestion, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; and being satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage of transportation materials and facilities for defense and for private account, It is hereby ordered, That:

1. Quaker City Bus Co., Camden, New Jersey (hereinafter called "carrier"), in the transportation of passengers as a common carrier by motor vehicle, shall suspend operations between New York, New York, and Boston, Massachusetts, and to, from or between points intermediate thereto.

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 893]

MCGINNIS & GRAFE AND FLOYD R. HYER
ESTABLISHMENT OF MAXIMUM PRICES AND
PRICE CLASSIFICATIONS

Order No. 893 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance with the opinion of the Commission, the Commission hereby orders that the maximum price of the commodity shall be \$1340.210 (a) (6) of Maximum Price Regulation No. 120. *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 15. The mine index numbers and the price classifications assigned are permanent.

but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or

Issued at Washington, D. C., this 7th day of August 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-11754; Filed, August 7, 1944;
10:55 a. m.]

MCGINNIS & GRAFE, CONTINENTAL BLDG., DALLAS 1, TEX., COLGATE #2 MINT, UPPER & LOWER MCALISTER SEAMS, MINE INDEX NO. 2017, COAL COUNTY, OKLA., RAIL SHIPPING POINT: PHILLIPS, OKLA., STEEP MINT, CLASSIFIED IN PRODUCTION GROUP No. 9.

	1	2	3	4	6	8	9	10	14
Rail shipment.....	500	500	500	440	400	250	325	200	140
Truck shipment.....	510	510	510	450	410	255	370	210	215
Railroad locomotive fuel.....	(All size groups)	270							

FLOYD R. HYER, C66 COMMERCE BLDG., OKMUTGEE, OKLA., HYER STEP PT MINE, BOYNTON SEAM, MINE INDEX NO. 2012, MUSCOGEE COUNTY, OKLA., STEP MINE, CLASSIFIED IN PRODUCTION GROUP No. H

Size group Nos.											
	1	2	3	4	6	8	9	10	11	14	
Truck shipment-----	405	405	405	373	345	235	297	215	225	129	

This order shall become effective August 7, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11723; Filed, August 5, 1944;
11:49 a. m.]

[MPR 120, Order 894]

NEGLEY FIRE CLAY CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 894 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance

THE NEGLEY FIRE CLAY CO., NEGLEY, OHIO, CHILDS MINE, UPPER KITTANNING SEAM, MINE INDEX No. 419,
BEAVER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPING POINT, NEGLEY, OHIO, STRIP MINE

Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	C	C	B	B	B	B	B		
Rail shipment.....	310	310	310	310	310	300	275	275	260		
Railroad fuel price group 10.....	310	310	310	310	310	300	275	275	270	245	
Truck shipment.....	415	415	415	400	375	375	375	305	265	265	245

THE NEGLEY FIRE CLAY Co., NEGLEY, OHIO, HTES MNE, LOWER KITTANNING SEAM, MINE INDEX No. 4307,
BEAVER COUNTY, PA., SUBDISTRICT 1, RAIL SHIPPING POINT: NEGLEY, OHIO, STRIP MINE

	D	D	C	O	B	B	B	B	B	B
Price classification.....	D	310	310	310	310	310	310	310	310	310
Rail shipment.....	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 10.....	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	400	375	375	375	375	375	375

PLEASANT HILLS COAL Co., ROUTE 51, JEFFERSON TOWNSHIP, PITTSBURGH (10), P.A., PLEASANT HILLS MINE, PITTSBURGH SEAM, MINE INDEX No. 4085, ALLEGHENY COUNTY, P.A., SUB-DISTRICT 7

Truck shipment.....	425	425	425	390	360	360	325	285	270
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REN COAL COMPANY, 509 E. LEASURE AVE., NEW CASTLE, PA., NESBIT MINE, KITTANNING SEAM, MINE INDEX NO. 4147, LAWRENCE COUNTY, PA., SUB-DISTRICT 1, SERP MINE

	435	435	400	395	395	320	265	250
Trucks shipment.....								

LACE BROTHERS COAL CO., 102 HAME ST., VANDEGRIFT, PA., LACE BROS. MINT, FREEPORT SEAM, MINE INDEX
No. 4039, ARMSTRONG COUNTY, PA., SUB-DISTRICT 2, RAIL SHIPPING POINT: VANDEGRIFT, PA., DEEP MEIL

Price classification	F	F	E	E	E	E	F	F	F
Self shipment	310	310	305	305	305	305	275	270	270
Railroad fuel price group 20	315	315	315	315	315	315	275	270	270
Truck shipment	335	335	335	335	335	335	265	275	275

ROBEL & JAMES COAL CO., 100 MILLER ST., JOHNSTOWN, PA., FORT PALMER NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 407, WESTMORELAND COUNTY, PA., SUB-DIST. 6, RAIL SHIPPING POINT: FORT PALMER, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	G	G	G	G	G	G	G
Rail shipment.....	285	285	275	275	270	260	245	245	240	235	235
Railroad fuel price group 14.....	290	290	280	280	270	260	245	245	240	235	235
Truck shipment 1.....	415	415	415	395	395	395	395	395	395	395	395

ROXBY COAL CO., Box 172, DUNLOP, PA., ROXBY NO. 1 MINE, PITTSBURGH SEAM, MINE INDEX NO. 412, PAYETTE COUNTY, PA., SUB-DIST. 3, RAIL SHIPPING POINT: FOOTDALE, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	E	E	E	E	E	E	E	E	E
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 7.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	385	375	375	375	375	375	375	375

ELMER A. SNYDER, R. F. D. #2 BOX 304 CONNELLSVILLE, PA., SNYDER STRIP #2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 412, WESTMORELAND COUNTY, PA., SUB-DISTRICT 9, RAIL SHIPPING POINT: WYANO, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	D	D	D	D	D	D	D	D	D
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 1.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

STANDARD COAL CO., GRANT Bldg., PITTSBURGH, PA., STANDARD #3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 412, WASHINGTON COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: RACCOON, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	J	J	J	J	J	J	J	J	J	J	J
Rail shipment.....	235	235	235	235	235	235	235	235	235	235	235
Railroad fuel price group 2.....	290	290	290	290	290	290	290	290	290	290	290
Truck shipment.....	425	425	425	425	425	425	425	425	425	425	425

DUGGER BROS COAL CO., UNION TRUST Bldg., PITTSBURGH, PA., DUGGER NO. 3 MINE, PITTSBURGH SEAM, MINE INDEX NO. 414, WASHINGTON COUNTY, PA., SUB-DISTRICT 7, RAIL SHIPPING POINT: DUGGER, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	A	A	A	A	A	A	A	A	A	A	A
Rail shipment.....	330	330	330	330	330	330	330	330	330	330	330
Railroad fuel price group 2.....	330	330	330	330	330	330	330	330	330	330	330
Truck shipment.....	425	425	425	425	425	425	425	425	425	425	425

CONNOR AND DETMERS COAL CO., UNION TOWN, PA., GLENA #2 MINE, SEVIERVILLE SEAM, MINE INDEX NO. 415, PAYETTE COUNTY, PA., SUB-DISTRICT 9, RAIL SHIPPING POINT: COAL LICK RUN BRANCH, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	J	J	J	J	J	J	J	J	J	J	J
Rail shipment.....	235	235	235	235	235	235	235	235	235	235	235
Railroad fuel price group 8.....	290	290	290	290	290	290	290	290	290	290	290
Truck shipment.....	415	415	415	415	415	415	415	415	415	415	415

HELEN R. DUNCAN, 123 W. MAIN ST., UNIONTOWN, PA., HELEN NO. 3 SEAR MINE, PITTSBURGH SEAM, MINE INDEX NO. 416, PAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT: SHOCT, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	E	E	E	E	E	E	E	E	E
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 6.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	410	410	415	415	415	415	415	415	415	415	415

HELEN R. DUNCAN, 123 W. MAIN ST., UNIONTOWN, PA., HELEN NO. 3 SEAR MINE, PITTSBURGH SEAM, MINE INDEX NO. 417, PAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT: SHOCT, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	E	E	E	E	E	E	E	E	E
Rail shipment.....	335	335	335	335	335	335	335	335	335	335	335
Railroad fuel price group 6.....	335	335	335	335	335	335	335	335	335	335	335
Truck shipment.....	415	415	415	415	415	415	415	415	415	415	415

THE IANNO ENFIELD MINING CO., 620 MAIN ST., MT. PLEASANT, PA., YOUNGWOOD MINE, PITTSBURGH SEAM, MINE INDEX NO. 418, WESTMORELAND COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT: YOUNGWOOD, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	E	E	E	E	E	E	E	E	E
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 6.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

M. G. LYNCH, 647 McKAY AVE., DONORA, PA., JOYCE MINE, PITTSBURGH SEAM, MINE INDEX NO. 418, WESTMORELAND COUNTY, PA., SUB-DISTRICT 9, RAIL AND RIVER SHIPPING POINT: SOMERS, PA., AND LOCK NO. 3, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	E	E	E	E	E	E	E	E	E
Rail and river shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 1.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

LOGANS FERRY COAL CO., 33 FRANKFORD LANE, NEW KENSINGTON, PA., LOGANS FERRY III STRIP MINE, PITTSBURGH SEAM, MINE INDEX NO. 418, ALLEGHENY COUNTY, PA., SUB-DISTRICT 8, RAIL SHIPPING POINT: NEW KENSINGTON, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	D	D	D	D	D	D	D	D	D
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 6.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	425	425	425	395	395	395	395	395	395	395	395

MCANULTY COAL CO., 216 W. NORTH AVE., PITTSBURGH (12), PA., WATERSBURG DEEP MINE, FREIGHT SEAM, MINE INDEX NO. 413, PAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT: WATERSBURG, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	F	F	F	F	F	F	F	F	F	F	F
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 6.....	315	315	315	315	315	315	315	315	315	315	315
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

MCANULTY COAL CO., 216 W. NORTH AVE., PITTSBURGH (12), PA., WATERSBURG STRIP MINE, FREIGHT SEAM, MINE INDEX NO. 413, PAYETTE COUNTY, PA., SUB-DISTRICT 3, RAIL SHIPPING POINT: WATERSBURG, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	F	F	F	F	F	F	F	F	F	F	F
Rail shipment.....	235	235	235	235	235	235	235	235	235	235	235
Railroad fuel price group 6.....	290	290	290	290	290	290	290	290	290	290	290
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

MONROE & WARREN COAL CO., 623 6TH ST., TRAYBOND, PA., DESSARD STRIP MINE, PITTSBURGH SEAM, MINE INDEX NO. 419, WESTMORELAND COUNTY, PA., SUB-DIST. 6, RAIL SHIPPING POINT: ANONA, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	D	D	D	D	D	D	D	D	D
Rail shipment.....	310	310	310	310	310	310	310	310	310	310	310
Railroad fuel price group 1.....	310	310	310	310	310	310	310	310	310	310	310
Truck shipment.....	415	415	415	395	395	395	395	395	395	395	395

MONROE & WARREN COAL CO., 623 6TH ST., TRAYBOND, PA., DESSARD DEEP MINE, PITTSBURGH SEAM, MINE INDEX NO. 1015, WESTMORELAND COUNTY, PA., SUB-DIST. 6, RAIL SHIPPING POINT: ANONA, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	D	D	D	D	D	D	D	D	D
Rail shipment.....	335	335	335	335	335	335	335	335	335	335	335
Railroad fuel price group 1.....	335	335	335	335	335	335	335	335	335	335	335
Truck shipment 1.....	415	415	415	395	395	395	395	395	395	395	395

Previously established.

P. R. BRIDGE, 1723 LINCOLN AVE., LATROBE, PA., BRIDGE MINE, PITTSBURGH SEAM, MINE INDEX No. 2503, WESTMORELAND COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: KINGSTON, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

JOHN M. WUNDERLICH, 635 LOCUST ST., MCKEESPORT, PA., SPOORS MINE, PITTSBURGH SEAM, MINE INDEX No. 4077, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: WYLLIE, PA., AND MCKEESPORT, PA., FOR RIVER SHIPMENTS, STRIP MINE.

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	D	D	D	D	O	O	O	O	O	O	
Rail shipment.....	310	310	310	310	310	300	275	275	255		
Railroad fuel price group 1.....	425	425	425	425	425	400	375	375	335	335	270
Truck shipment.....	425	425	425	425	425	400	375	375	335	335	270

This order shall become effective August 7, 1944. § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered.

Producers identified herein operate named mines assigned the mine index number, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 13. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 1 MINE, MULDARE SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

forth herein. All are in District No. 13. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of the order.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11724; Filed, August 5, 1944; 11:52 a. m.]

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 2 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 3 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 4 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 5 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 6 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

HOOPER CONSTRUCTION CO., BOX 111, FAIRFIELD, ALA., HOOPER No. 7 MINE, BROOKWOOD SEAM, MINE INDEX No. 2032, TUSCALOOSA COUNTY, ALA., RAIL SHIPPING POINT: TRAVILLA, ALA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	H	H	G	G	G		
Rail shipment.....	310	310	300	300	285	285	270	270	255		
Railroad fuel price group 1.....	315	315	315	315	315	300	270	270	230		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

C. W. DILLOS, CALUMET, PA., BRINKERTON MINE, REDSTONE SEAM, MINE INDEX No. 4127, WESTMORELAND COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: CALUMET, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	G	G	G	G	G	G	G	G	G		
Rail shipment.....	285	285	275	275	265	265	245	245	230		
Railroad fuel price group 2.....	290	290	290	290	275	275	245	245	235		
Truck shipment.....	415	415	415	395	395	395	365	365	285	285	255

GALARDI COAL & COKE CO., SECOND NATIONAL BANK BLDG., CONNELLSVILLE, PA., CRAWFORD No. 10 MINE, PITTSBURGH SEAM, MINE INDEX No. 4144, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: GILMORE, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	O	O	B	B	O	O	O	O	
Rail shipment.....	335	335	335	335	335	325	300	300	290		
Railroad fuel price group 6.....	335	335	335	335	335	325	300	300	290		
Truck shipment.....	415	415	415	385	375	375	310	310	290	290	265

JAMES GILMORE, 935 HESLER AVE., DONORA, PA., GILMORE EQUITABLE MINE, PITTSBURGH SEAM, MINE INDEX No. 4109, WESTMORELAND COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: DONORA, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price Classification.....	E	E	O	O	O	O	O	O	O	O	
Rail Shipment.....	335	335	335	335	335	325	300	300	290		
R. R. Fuel Price Group 1.....	335	335	335	335	335	325	300	300	290		
Truck Shipment.....	415	415	415	395	395	365	305	305	285	285	255

GLADYS COAL CO., BOX 690, DAWSON, PA., RUSH MINE, PITTSBURGH SEAM, MINE INDEX No. 4111, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: DICKERSON RUN, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price Classification.....	E	E	O	O	O	O	O	O	O	O	
Rail Shipment.....	310	310	310	310	310	300	275	275	255		
R. R. Fuel Price Group 6.....	310	310	310	310	310	300	275	275	255		
Truck Shipment.....	415	415	415	385	375	375	310	310	290	290	265

BALKAN COAL CO., R. F. D. WEST BROWNSVILLE, PA., BALKAN #2 MINE, PITTSBURGH SEAM, MINE INDEX No. 4090, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT: ERRASLA, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price Classification.....	D	D	O	O	O	O	O	O	O	O	
Rail shipment.....	335	335	335	335	335	325	300	300	290		
Railroad fuel price group 1.....	335	335	335	335	335	325	300	300	290		
Truck shipment.....	425	425	425	390	390	360	325	325	285	285	270

BARTS COAL CO., 303 S. MAIN ST., MASON TOWN, PA., POLAND #1 MINE, PITTSBURGH SEAM, MINE INDEX No. 4103, GREENE COUNTY, PA., SUBDISTRICT 3, RAIL AND RIVER SHIPPING POINT: POLAND, PA., AND MOFFITT-STERLING DOCK, PA., DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	F	F	E	E	E	E	E	E	E	E	
Rail and river shipment.....	310	310	305	305	305	305	275	275	255		
Railroad fuel price group 7.....	310	310	310	305	305	305	275	275	255		
Truck shipment.....	330	330	330	330	340	340	340	340	290	290	230

BEACON FUEL CO., 417 BOULEVARD OF THE ALLIES, PITTSBURGH (22), PA., BEACON #2 MINE, PITTSBURGH SEAM, MINE INDEX No. 4055, FAYETTE COUNTY, PA., SUBDISTRICT 3, RAIL SHIPPING POINT: KAISER SIDING, PA., STRIP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Price classification.....	E	E	O	O	B	B	O	O	O	O	
Rail shipment.....	310	310	310	310	310	300	275	275	255		
Railroad fuel price group 6.....	310	310	310	310	310	300	275	275	255		
Truck shipment.....	415	415	415	385	375	375	310	310	290	290	265

SAI EMMERSON, 1319 FAYETTE AVE., EXTENSION, MCKEESPORT, PA., No. 2 MINE, PITTSBURGH SEAM, MINE INDEX No. 4120, ALLEGHENY COUNTY, PA., SUBDISTRICT 9, DEEP MINE

	Size group Nos.										
	1	2	3	4	5	6	7	8	9	10	11
Truck shipment.....	425	425	425	390	390	390	325	325	285	285	270

* Previously established.

FRANKLIN COAL MINING CO., 800 PROTECTIVE LIFE BLDG., BIRMINGHAM 3, ALA., POWILLAN SPRING MINE, MARY LEE SEAM, MINE INDEX No. 2028, JEFFERSON COUNTY, ALA., RAIL SHIPPING POINT: POWILLAN, ALA., SEAM MINE

Rail shipments and railroad fuel price group No. 1	355 425	355 440	345 420	350 385	340 375	345 380	335 345
Truck shipment price group No. 7	-----	-----	-----	-----	-----	-----	-----

(Mrs.) S. J. WITHERSPON, ROUTE 2, CARBON HILL, ALA., WITHERSPON No. 1 MINE, JAGGER SEAM, MINE INDEX No. 2033, WALKER COUNTY, ALA., RAIL SHIPPING POINT: CARBON HILL, ALA., DEEP MINE

Rail shipments and railroad fuel price group No. 1	355 425	355 440	345 420	350 385	340 375	345 380	335 345
Truck shipment price group No. 7	-----	-----	-----	-----	-----	-----	-----

WEBSTER STEADMAN, AMERICA, ALA., STANDARD MINE, MINE INDEX No. 2038, WALKER COUNTY, ALA., RAIL SHIPPING POINT: FAIRBURN, ALA., DEEP MINE

Rail shipments and railroad fuel price group No. 4	425 435	415 430	405 420	405 400	395 390	395 405	335 335
Truck shipment price group No. 6	-----	-----	-----	-----	-----	-----	-----

NOTE: The maximum price established by this order includes the increase in maximum prices authorized by Amendment No. 106 to Maximum Price Regulation No. 120 which became effective July 12, 1944.

This order shall become effective August 7, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11725; Filed, August 5, 1944; 11:49 a. m.]

[MPR 120, Order 599]

PARIS COAL WASHERY, INC.

ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MAXIMUM PRICES

Order No. 895 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or separation plant.

For the reasons given in the opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; it is ordered:

(a) The Paris Coal Washery, Inc., located in Logan County, Arkansas, in District No. 14, is hereby assigned Mine Index No. 1000 for the identification of its washed coal as defined herein.

This order shall become effective August 7, 1944.

Size Groups		
11	13	17
\$5.20	\$4.05	\$3.40

Size Group 16: 7' x 0, \$2.55; 5'6" x 0, \$2.05.

(c) The maximum prices established herein are f. o. b. the Paris Coal Washery, Inc., washery and preparation plant for truck and rail shipments.

(d) This order may be revoked or amended at any time.

(e) All prayers of applicant not granted herein are hereby denied.

(f) The terms "washed coal" used herein shall mean coal that has been submerged in or thoroughly flushed with water and cleaned by flotation or flushing process in coal washeries. Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to all other terms used herein.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11726; Filed, August 5, 1944; 11:51 a. m.]

[MPR 120, Order 897]

CONTINENTAL MINING AND SMELTING CORP.,
AND FORRIER & McLANE CORP.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

Order No. 897 under Maximum Price Regulation No. 120. Bituminous coal delivered from mine or preparation plant.

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum

Price Regulation No. 120. Continental Mining and Smelting Corp., 335 Hickman St., Charleston, W. Va., Bassett No. 2 Mine, Redstone Seam, Mine Index No. 2064, Harrison County, W. Va., Rail Shipping Point: Lost Creek, W. Va., Seaf Mine

	Size Group Nos.				
	1	2	3	4	5
Price classification	F	F	H	F	F
Rail shipments and railroad fuel	275 310	275 310	275 310	275 310	275 310
Truck shipment P. O. 3	-----	-----	-----	-----	-----

Continental Mining and Smelting Corp., 335 Hickman St., Charleston, W. Va., Bassett No. 1 Mine, Redstone Seam, Mine Index No. 2065, Harrison County, W. Va., Rail Shipping Point: Lost Creek, W. Va., Seaf Mine

Price classification	F	F	F	F	F
Rail shipments and railroad fuel	275 310	275 310	275 310	275 310	275 310
Truck shipment P. O. 3	-----	-----	-----	-----	-----

Forrier & McLane Corporation, Ambassador Bldg., Evans, W. Va., Williams No. 1 Mine, H. V. Ketchum No. 1 Mine, Mine Index No. 2066, Harrison County, W. Va., Rail Shipping Point: Maudie, W. Va., Seaf Mine

Price classification	J	J	J	H	H
Rail shipments and railroad fuel	230 235	230 235	230 235	230 235	230 235
Truck shipment P. O. 4	-----	-----	-----	-----	-----

NOTE: The size group numbers referred to herein for rail shipments and for railroad fuel are those described in the table of prices in Amendment No. 95 to Maximum Price Regulation No. 120, and for truck shipments as described in the table of prices in Amendment No. 105 to Maximum Price Regulation No. 120.

This order shall become effective August 7, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11727; Filed, August 5, 1944; 11:52 a. m.]

Price Regulation No. 120. It is ordered: Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 3. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. Each producer is subject to all provisions of Maximum Price Regulation No. 120.

[MPR 120, Order 849]

COLWELL MINING CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES

Correction

In F.R. Doc. 44-10136, appearing on page 7795 of the issue for Wednesday, July 12, 1944, the designation "F Seam" in the heading of the table for the Stine-man Coal & Coke Company should read "C' Seam."

[MPR 136, Order 264]

R. G. WRIGHT CO., INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 264 Under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services. R. G. Wright Company, Inc. (Docket No. 3136-460).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended; *It is ordered:*

(a) The maximum prices for sales of the dairy equipment listed below by the R. G. Wright Company, Inc., Buffalo, New York, shall be determined as follows:

(1) The manufacturer shall determine the maximum price for all sales, except those made to users, by multiplying the net price he had in effect to a purchaser of the same class on October 1, 1941, by the applicable percentage set forth below:

Item:	Percentage
Coolers.....	108
Pasteurizers.....	114
Weigh cans.....	111
Wash sinks.....	128
Rotary can washers.....	125
Straightway can washers.....	119
Bottle washers.....	119

(2) The manufacturer shall determine the maximum price for sales to users by adding to the net price he had in effect to users on October 1, 1941, the amount by which this order permits him to increase his October 1, 1941, net price to that class of resellers which received the longest discount on October 1, 1941.

(b) Resellers of dairy equipment manufactured by the R. G. Wright Company, Inc., shall determine their maximum prices for the dairy equipment, listed in (a), as follows:

The reseller shall add to his net price in effect to a purchaser of the same class on October 1, 1941, the same dollar amount by which the reseller's costs have been increased due to the adjustment granted the R. G. Wright Company, Inc., by this order.

(c) The R. G. Wright Company, Inc., shall notify those customers who buy dairy equipment for resale of the amount by which this order permits resellers to increase their maximum net selling prices.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 7, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11728; Filed, August 5, 1944;
11:51 a. m.]

[MPR 64, Order 149]

MARTIN STOVE AND RANGE CO.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In F. R. Doc. 44-9956, appearing at page 7621 of the issue of Saturday, July 8, 1944, the eleventh price under "Maximum list prices" in the table should be "\$9.60".

[MPR 136, Order 265]

HEIL COMPANY

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 265 under Maximum Price Regulation 136, as amended. Machines and parts, and machinery services.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered:*

(a) The maximum list prices of The Heil Company, Milwaukee, Wisconsin, for the cable power control units, cable controlled bulldozers and trailbuilders of its manufacture, shall be as follows:

	List price f. o. b. Milwaukee (not inc. Power control unit)
Bulldozer model:	
C9BW.....	\$630.00
C14BW.....	950.00
C18BW.....	1,120.00
Trailbuilder model:	
C9TW.....	920.00
C14TW.....	1,240.00
C18TW.....	1,420.00
Grading shoes (all models), per set.....	20.00
Push-loading plate attachment (all models).....	50.00
Cable power control unit model:	List price f. o. b. Milwaukee (incl. drive adapter)
LD-1.....	\$520.00
LD-2.....	850.00
S-1.....	630.00
S-2.....	970.00

The list prices above enumerated shall be subject to the same schedule of discounts heretofore in effect on sales to purchasers of the classes to whom these units were sold at discounts from list prices.

(b) The maximum list prices of the dealers and distributors of The Heil Company shall be the prices set forth in paragraph (a) above for the items therein listed subject to all discounts which the

said dealers and distributors of The Heil Company heretofore had in effect on sales to purchasers of the classes to whom these units were sold at discounts from list prices.

(c) All requests not granted herein are denied.

(d) It is understood that this order may be revoked or amended by the Price Administrator at any time.

Issued and effective this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11729; Filed, August 5, 1944;
11:51 a. m.]

[RMPR 506, Order 27]

ADVANCE GLOVE MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Correction

In the table under paragraph (a) of F.R. Doc. 44-10393, appearing at page 7973 of the issue for Saturday, July 15, 1944, the glove description of the first style number should read: "Men's 10 ounce canton flannel mitten single thickness back & palm mitten 4½" single (1 ply thickness) gauntlet."

[MPR 188, Amdt. 1 to Order 1539]

HOMER FURNACE AND FOUNDRY CORP., ET AL.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 1539 under § 1499.158 of MPR 188, Amendment No. 1. Authorization of maximum prices for the Homer Furnace and Foundry Corporation, its national distributor (The Rudy Furnace Company) and its jobbers.

An opinion issued simultaneously herewith setting forth the basis for this amendment has been filed with the Division of the Federal Register.

Order No. 1539 under § 1499.158 of Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (b) is amended to read as follows:

(b) The maximum net prices established in paragraph (a) shall be subject to the extension of cash, quantity and prompt payment discounts, the rendition of services and the absorption of transportation charges most favorable to purchasers of the same class which The Rudy Furnace Company extended, rendered or absorbed or would have extended, rendered or absorbed during the month of March 1942.

2. Paragraph (d) is amended to read as follows:

(d) The maximum net prices established in paragraph (c) shall be subject to the extension of cash, quantity and prompt payment discounts, the rendition of services and the absorption of transportation charges most favorable to purchasers of the same class which the national distributor (The Rudy Furnace Company) or each jobber extended, rendered or absorbed or would have extended, rendered or absorbed during the month of March 1942.

This Amendment shall be effective as of April 25, 1944.

Issued this 5th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11730; Filed, August 5, 1944;
11:49 a. m.]

[MPR 367, Rev. Order 4]

MEAT RATION CO., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

Revised Order No. 4 under Maximum Price Regulation No. 367. Horsemeat. Docket No. N6363-2367-4-7. Establishing maximum prices for sale of "Doggies' Meat Loaf Meal" by Meat Ration Company and other sellers.

Order No. 4 under MPR 367 is revised and amended to read as follows:

On May 25, 1944, Meat Ration Company, 459 Como Avenue, St. Paul, Minnesota, filed in the form of a letter its application for revision of Order No. 4 under section 10 of Maximum Price Regulation No. 367. Due consideration has been given to the petition, and an opinion in support of this Revised Order No. 4 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, E.O. 9250 and E.O. 9328; *It is hereby ordered:*

(a) Meat Ration Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of "Doggies' Meat Loaf Meal" set forth in paragraph (b) of this order to peddler truck operators, wholesalers or retailers at prices not in excess of those stated therein. Any person who is a peddler-truck operator, a wholesaler or a retailer may buy and receive, and agree, offer, solicit and attempt to buy and receive such kinds and grades of "Doggies' Meat Loaf Meal" at such prices from Meat Ration Company.

(b) The maximum price for "Doggies' Meat Loaf Meal" shall be:

(1) For sales made by Meat Ration Company as follows:

(i) to peddler-truck operators, wholesalers, or retailers, 1-pound loaf, 10 cents; 2-pound loaf, 19 cents.

(ii) to wholesalers or retailers, delivered to their place of business, 1-pound loaf, 10½ cents; 2-pound loaf, 20 cents.

(2) For sales made by a peddler truck operator shall be as follows:

(i) 1 pound loaf, 12½ cents plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(ii) 2 pound loaf, 24 cents plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

(3) For sales made by a wholesaler shall be determined pursuant to the provisions of Maximum Price Regulation No. 421.

(4) For sales made by a retailer in Group 3 or Group 4 shall be determined pursuant to the provisions of Maximum Price Regulation No. 422.

(5) For sales made by a retailer in Group 1 or Group 2 shall be determined pursuant to the provisions of Maximum Price Regulation No. 423.

(c) The permission granted to Meat Ration Company in this Revised Order No. 4 is subject to the following conditions:

(1) The pet food product sold under the name of "Doggies' Meat Loaf Meal" must conform to the formula specifications set forth in its application for the determination of maximum prices therefor, filed in the National Office of the Office of Price Administration, Washington, D. C.

(2) Meat Ration Company shall provide each peddler truck operator, wholesaler, or retailer making his initial purchase of "Doggies' Meat Loaf Meal" with a notice in the following form:

The Office of Price Administration has authorized Meat Ration Company to sell "Doggies' Meat Loaf Meal" at or below the following maximum prices:

To peddler-truck operators, wholesalers, or retailers, f. o. b. our plant, 1 pound loaf, 10 cents; 2 pound loaf, 19 cents.

To wholesalers or retailers, delivered to their place of business, 1 pound loaf, 10½ cents; 2 pound loaf, 20 cents.

If you are a peddler-truck operator the maximum prices at which you may sell "Doggies' Meat Loaf Meal" are:

1 pound loaf: 12½ cents plus actual freight costs incurred by the peddler truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

2 pound loaf: 24 cents plus actual freight cost incurred by the peddler-truck operator in acquiring the product, the total to be rounded to the nearest one-half cent.

If you are a wholesaler or retailer, you shall determine your maximum selling price for "Doggies' Meat Loaf Meal" in accordance with the provisions of Maximum Price Regulations No. 421, No. 422, or No. 423, whichever is appropriate.

(d) All prayers of the application not granted herein are denied.

(e) This Revised Order No. 4 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires the definitions set forth in section 14 of Maximum Price Regulation No. 367 shall apply to terms used herein.

This Revised Order No. 4 shall become effective August 8, 1944.

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11735; Filed August 7, 1944;
11:45 a. m.]

[MPR 426, Order 2]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

For the reasons set forth in an opinion issued at the same time as this order,

¹ 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 780, 902, 1581, 2008, 2023, 2091, 2193, 4030, 4086, 4088, 4434, 4786, 4787, 4877, 5296, 5323, 6104, 6108, 6420, 6711, 7259, 7269.

and in accordance with section 13 of Maximum Price Regulation 426, *It is ordered:*

(a) Growers or country shippers covered by Maximum Price Regulation 426, Appendix I, selling through persons, who, but for the fact they pack the particular citrus fruit being sold, would be growers' "sales agents" or "brokers", are authorized to sell and deliver citrus fruits covered by Appendix I at the maximum prices in effect at the date of delivery subject to an agreement with the buyer in each case to adjust such selling prices up to new maximum prices for sales by growers or country shippers selling through growers' sales agents or brokers to be established by the Office of Price Administration after delivery, but in no event to exceed the presently established maximum prices provided for sales through growers' sales agents or brokers.

In any such sale the seller shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery, nor shall he receive payment of more than that price until permitted by action taken by the Office of Price Administration.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of new maximum prices for the commodities named in paragraph (a). This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 8, 1944.

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11733; Filed, August 7, 1944;
11:43 a. m.]

[MPR 493, Order 5]

DRIED AND PROCESSED APPLES AND APPLE PRODUCTS, 1943 CROP AND AFTER

For the reasons set forth in an opinion issued and filed with the Division of the Federal Register, and in accordance with section 24 of Maximum Price Regulation 493, *It is ordered:*

(a) That sales and deliveries of packed apples, dried apples and apple sauce of the 1944 pack may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller, in each case, that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In each sale the processor shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery, nor shall he receive payment of more than that price, until permitted by action taken by the Office of Price Administration.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of new maximum prices for the commodities named in paragraph (a).

This order may be revoked or amended by the Price Administrator at any time.

This Order No. 5 shall become effective August 8, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-11794; Filed, August 7, 1944;
11:47 a. m.]

Regional and District Office Orders.

[Region II Order G-3 Under MPR 426,
Amdt. 1]

FRESH FRUITS AND VEGETABLES IN DESIGNATED COUNTIES IN NEW YORK

Amendment No. 1 to Order No. G-3 under section 8 (a) (7) of Maximum Price Regulation No. 426. Fresh fruits and vegetables for table use, sales except at retail. Amount of freight from basing point to wholesale receiving point allowed for determining maximum prices of certain fresh fruits and vegetables in Certain Counties of New York.

For the reasons stated in an opinion issued simultaneously herewith and pursuant to the authority contained in section 8 (a) (7) of Maximum Price Regulation No. 426, Order No. G-3 is amended as follows:

1. Section 3 is amended by deleting the appendix attached thereto and substituting therefor the appendix marked "B", attached to this amendment.

2. *Effective date.* This amendment shall become effective on July 4, 1944 as to the County of Westchester, and on July 15, 1944 as to Suffolk County.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 426, 8 F.R. 16409, 9 F.R. 790, 902)

Issued this 4th day of July 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

APPENDIX B—FREIGHT TO ALL WHOLESALE RECEIVING POINTS, EXCEPT NEW YORK CITY¹

Commodity in standard containers packed as in Appendix A	For any wholesale receiving point in Nassau, Putnam, Rockland, and Westchester Counties	For any wholesale receiving point in Dutchess, Orange, and Suffolk Counties ¹
Carrots, bunched.....	\$0.25	\$0.40
All citrus fruits, standard containers (1½ or 1¾ bushel).....	.25	.40
Cucumbers, except hot-house.....	.15	.20
Eggplant, bushel or crate (1½ bushel).....	.15	.20
Green peas.....	.15	.20
Lettuce, iceberg.....	.25	.40
Snap beans.....	.15	.20
Spinach.....	.15	.20
Sweet peppers, bushel or crate (1½-bushel).....	.15	.20

¹ To determine the full amount of freight from basing point to any wholesale receiving point, except New York City, add to appropriate amount named in this Appendix B to the appropriate amount named for the item in Appendix A.

[F. R. Doc. 44-10919; Filed, July 21, 1944;
1:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-725, 59-11, 59-17, 54-25]

NORTHERN INDIANA PUBLIC SERVICE CO.,
ET AL.

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

In the matter of Northern Indiana Public Service Company, La Porte Heat Corporation, File No. 70-725; The United Light and Power Company, et al., La Porte Gas and Electric Company, File Nos. 59-11, 59-17, 54-25; Application No. 16.

The United Light and Power Company, a registered holding company, and La Porte Gas and Electric Company (La Porte), a subsidiary thereof, having filed applications and declarations and amendments thereto pursuant to sections 11, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44 and U-46 promulgated thereunder with respect to the sale by La Porte of its electric, gas and heat properties to Northern Indiana Public Service Company (Northern), a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, and La Porte Heat Corporation (Heat Corporation), a subsidiary of Northern, and with respect to the dissolution and liquidation of La Porte; and

Northern and Heat Corporation having filed applications and declarations and amendments thereto, pursuant to sections 6 (b), 9 (a), 10, and 12 of the act and Rule U-44 promulgated thereunder, with respect to the issue and sale by Northern of \$1,400,000 principal amount of serial notes of a maturity of seven years or less, and by Heat Corporation of 3,750 shares of its common stock of the par value of \$100 per share, and with respect to the acquisition by Northern of such common stock and the acquisition by Heat Corporation of the heat properties of La Porte; and

The Commission having by order dated December 7, 1943, granted the applications and permitted the declarations to become effective subject to the terms and conditions, among others, prescribed in Rule U-24; and having by subsequent orders extended the time within which the transactions might be consummated to August 5, 1944; and

A request having been made that the time, within which the transactions as set forth in the applications and declarations may be consummated, be further extended to October 5, 1944; and

The Commission having considered such request and deeming it appropriate that it be granted;

It is ordered, That the conditions contained in the order of December 7, 1943, be and hereby are modified to the extent necessary to extend the time within which such transactions may be consummated to October 5, 1944.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-11732; Filed, August 5, 1944;
2:30 p. m.]

[File No. 70-936]

GEORGIA POWER AND LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of August 1944.

Notice is hereby given that Georgia Power and Light Company, a subsidiary of General Gas & Electric Corporation, a registered holding company, has filed an application or declaration pursuant to the Public Utility Holding Company Act of 1935.

All interested persons are referred to said document, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Georgia Power and Light Company proposes to issue and sell, at private sale, to Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, \$2,500,000 principal amount of first mortgage bonds, the proceeds of which, together with other corporate funds, are to be used to redeem or otherwise retire a like principal amount of the company's outstanding first mortgage bonds, 5% series, due 1978. (At the time of redemption it is contemplated that this will be the total aggregate amount of such bonds outstanding. In connection with pending proceedings involving the recapitalization of Georgia Power and Light Company (File No. 54-95), provision is made for reducing Georgia's present indebtedness to \$2,500,000 principal amount.) The proposed purchaser, owning at the present time in excess of \$850,000 principal amount of first mortgage bonds, 5% series due 1978, of Georgia Power and Light Company, has agreed to buy the \$2,500,000 principal amount of new first mortgage bonds at 103½% of par, and with an interest rate of 3½% per annum.

Section 6 (b) of the act has been designated in the filing as applicable to the proposed issue and sale, and an exception is requested from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said filing should not be granted or permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission promulgated thereunder, be held on August 29, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with these proceedings or otherwise wishing to participate shall file with the Secretary of the Commission, on or before August 24, 1944, his request or application therefor, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by such filing, particular attention be directed at such hearing to the following matters and questions:

1. Whether the issue and sale of the proposed first mortgage bonds are solely for the purpose of financing the business of Georgia Power and Light Company and have been expressly authorized by the Public Service Commission of Georgia;

2. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate under the circumstances in respect to the proposed issue and sale of the securities;

3. Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms or conditions in connection with the proposed issue and sale of securities.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-11733; Filed, August 5, 1944,
2:30 p. m.]

[File No. 70-939]

MISSISSIPPI POWER & LIGHT CO. AND ELECTRIC POWER & LIGHT CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August, A. D. 1944.

Notice is hereby given that a joint application and declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly under sections 6, 7, 9, 10, and 12 and Rule U-50 promulgated thereunder, by Electric Power & Light Corporation ("Electric"), a registered holding company, and its subsidiary, Mississippi Power & Light Company ("Mississippi"), a public utility company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a condition contained in the order of this Commission of May 13, 1944, in Electric Power & Light Corporation, File No. 70-752, permitting Electric to acquire shares of the \$6 preferred stock of Mississippi, Electric will transfer to Mississippi 20,182 shares of such stock, being all of the shares so acquired, and in return, Mississippi, upon its acquisition and cancellation of such stock, will change the stated value of its presently

outstanding 500,000 shares of common stock, all of which is owned by Electric, from \$2,500,000 to \$4,750,000, by transferring to the common capital account \$2,018,200, the present stated value of the above preferred stock, \$680, comprising all of Mississippi's present capital surplus and \$231,120 of its earned surplus.

Mississippi will issue and sell at public sale, pursuant to the competitive bidding provisions of Rule U-50, \$12,000,000 principal amount of First Mortgage Bonds to mature in 1974, the bid or bids for such bonds to fix the interest rate and the price to be paid to the company. In addition, Mississippi will issue and sell at private sale \$2,000,000 principal amount of promissory notes, payable in 20 equal semi-annual installments.

The proceeds of the sale of the above securities are to be applied, together with treasury cash to redeem all of Mississippi's First Mortgage Gold Bonds, 5% Series-due 1957, in the principal amount of \$15,000,000 at the redemption price of 102½% of the principal amount thereof plus accrued interest to the date of redemption.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application shall not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules of the Commission thereunder be held on August 16, 1944 at 10:00 a. m., e. v. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail, a copy of this order on the applicants and declarants herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before August 14, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed mortgage bonds and promissory notes are reasonably adapted to the earning power and

the security structure of Mississippi and are necessary and appropriate to the economical and efficient operation of the business or businesses in which Mississippi is presently engaged.

(2) Whether the fees, commissions, or other remunerations to be paid in connection with the issue, sale or distribution of said securities are reasonable.

(3) Whether the terms and conditions of the issue of said securities are detrimental to the public interest or the interests of investors or consumers.

(4) Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

(5) Whether in the event the application and declaration shall be granted and permitted to become effective, it is necessary to impose any terms or conditions to assure compliance with the standards of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-11734; Filed, August 5, 1944;
2:30 p. m.]

[File No. 70-902]

EMPIRE DISTRICT ELECTRIC CO., ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 1st day of August, A. D. 1944.

In the matter of the Empire District Electric Company, Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company, Benton County Utilities Corporation and Cities Service Power & Light Company, File No. 70-902.

The Empire District Electric Company, Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company and Benton County Utilities Corporation, public utility companies and subsidiaries of Cities Service Power & Light Company and Cities Service Company, registered holding companies, together with Cities Service Power & Light Company having filed a joint application and declaration and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 9 (b), 10, 11 (e), 11 (g), 12 (c), 12 (d), 12 (e), and 12 (f) of the Public Utility Holding Company Act of 1935, with respect to the proposed merger of Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company and Benton County Utilities Corporation into The Empire District Electric Company, the issuance and sale by the surviving corporation of \$10,600,000 principal amount first mortgage bonds at competitive bidding and 6,500 shares of \$100 par value 5% cumulative preferred stock at private sale, the issuance of 32,518 shares of \$100 par value 5% cumulative preferred stock to be offered in exchange for 32,518 shares of the \$100 par value 6% cumulative preferred stock of The Empire District Electric Company now outstanding and held by others than

Cities Service Power & Light Company, the issuance and sale by the surviving corporation to Cities Service Power & Light Company of 350,000 shares of \$10 par value common stock, the sale by Cities Service Power & Light Company to the public of said 350,000 shares of \$10 par value common stock of the surviving corporation at competitive bidding, the acquisition by the Empire District Electric Company of the properties of Ozark Utilities Company, Lawrence County Water, Light & Cold Storage Company and Benton County Utilities Corporation, and the sales of such properties by such corporations to The Empire District Electric Company, the sale by Cities Service Power & Light Company and the acquisition by the surviving corporation of the securities of The Empire District Electric Company held by Cities Service Power & Light Company and the solicitation by The Empire District Electric Company of the holders of its preferred stock other than Cities Service Power & Light Company for proxies approving the proposed merger agreement, without filing a statement on Form U-R-1 in connection therewith; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application and declaration, as amended, be and the same hereby is granted and permitted to become effective, except, however, as to the terms and conditions of the proposed sales of securities at competitive bidding and private sale, and except with respect to fees, commissions and other remuneration to be paid in respect of the proposed transactions as to which matters jurisdiction is hereby reserved. By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-11750; Filed, August 7, 1944;
10:13 a. m.]

[File No. 70-882]

**NORTHERN INDIANA PUBLIC SERVICE CO.
SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 3d day of August 1944.

Northern Indiana Public Service Company, a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, having filed an amendment to an application-declaration under section 6 and 12 of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, with respect to the refinancing of 220,078 shares of its \$100 par value cumulative preferred stock (69,858 shares of the 7% series, 124,505 shares of the 6% series,

and 25,715 shares of the 5½% series) as follows:

1. The present holders of such stock will be offered the opportunity to exchange each share of such stock for one share of \$100 par value 5% cumulative preferred stock of the company, plus a cash payment in an amount representing the difference between the redemption prices of the stocks outstanding at present and \$102, with proper adjustments for accrued dividends upon the stock to be surrendered and upon the shares to be issued;

2. Any shares not surrendered by way of exchange will be called for redemption at redemption prices, plus accrued dividends;

3. Such number of the 220,078 shares of the \$100 par value 5% cumulative preferred stock as have not been issued by way of exchange will be issued and sold either pursuant to the competitive bidding requirements of Rule U-50 or at private sale if an exception is granted from the competitive bidding requirements of such rule; and

4. In connection with the foregoing program, Northern Indiana Public Service Company proposes to engage The First Boston Corporation to form and manage a group of security dealers, including itself, for the purpose of effecting the exchanges and that, as compensation, The First Boston Corporation and the dealers receive certain specified fees and expenses.

Northern Indiana Public Service Company having requested that the Commission enter an order finding that, with respect to such number of the 220,078 shares of its \$100 par value 5% cumulative preferred stock as are issued by way of exchange, compliance with paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its supplemental findings and opinion herein; and

The Commission finding that, with respect to such number of the 220,078 shares of the \$100 par value 5% cumulative preferred stock of the company as are issued by way of exchange, an exception from the requirements of Rule U-50 is appropriate;

It is ordered, That said amendment to the application-declaration be and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

It is further ordered, That jurisdiction be and is hereby reserved over:

1. The issuance and sale of such number of the 220,078 shares of the \$100 par value 5% cumulative preferred stock of Northern Indiana Public Service Company as are not issued by way of exchange for shares of its \$100 par value 7%, 6%, and 5½% series cumulative preferred stock; and

2. The payment of any fees and expenses to Stone & Webster and Blodget, Inc.; Harriman, Ripley & Co., Inc; and to

Willkie, Owen, Otis, Farr & Gallagher, as counsel for The First Boston Corporation and as independent counsel for prospective bidders.

By the Commission.
[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-11751; Filed, August 7, 1944;
10:14 a. m.]

[File No. 68-13]

BUFFALO, NIAGARA AND EASTERN POWER CORP.

ORDER PERMITTING SECOND POST AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 4th day of August 1944.

In the matter of George B. Bassett, et al., acting as a protective committee for holders of the \$1.60 2nd preferred stock of Buffalo, Niagara and Eastern Power Corporation, File No. 68-13.

The Commission on November 14, 1942 having permitted the declaration, as amended, of the above declarants to become effective pursuant to Rule U-62, promulgated under the Public Utility Holding Company Act of 1935, regarding the solicitation by declarants, as a Stockholders' Protective Committee, for the holders of the \$1.60 2nd Preferred Stock of Buffalo, Niagara and Eastern Power Corporation; and

The Commission on March 4, 1943 having permitted a post amendment to said declaration, filed pursuant to Rule U-62, to become effective regarding the supplementary solicitation of the holders of said preferred stock; and

Declarants having filed on July 17, 1944 a second post amendment to said declaration, pursuant to Rule U-62, regarding the proposed additional supplementary solicitation of the holders of said preferred stock; and an amendment thereto having been filed on August 1, 1944; and

The Commission having considered said second post amendment, as amended, and finding that the requirements of Rule U-62 are complied with and deeming it appropriate, in the public interest and in the interests of investors, to permit said second post amendment to become effective;

It is ordered, That said second post amendment, as amended, be permitted to become effective forthwith in the matter and on the terms set forth therein and in said declaration, as amended.

By the Commission.
[SEAL] ORVAL L. DuBois,
Secretary.

[F. R. Doc. 44-11746; Filed, August 7, 1944;
10:13 a. m.]

[File No. 70-938]

NORTH AMERICAN CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 4th day of August 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, a registered holding company.

Notice is further given that any interested person may, not later than August 18, 1944, at 5:30 P. M., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company proposes to pay on October 2, 1944, a dividend to its holders of common stock of record on September 1, 1944. Such dividend will be payable in the common stock of Pacific Gas and Electric Company having a par value of \$25 per share, owned by The North American Company at the rate of one share of common stock of Pacific Gas and Electric Company on each 100 shares of the common stock of The North American Company outstanding. No certificates will be issued for fractions of shares of stock of Pacific Gas and Electric Company, but, in lieu thereof, cash will be paid at the rate of 33 cents for each $\frac{1}{100}$ th of a share of stock of Pacific Gas and Electric Company, this rate being based on the approximate market price as of July 28, 1944, the date the proposed dividend was declared. The North American Company estimates that the payment of the above-mentioned dividend will involve the distribution of not more than 75,000 shares of the 1,639,804 shares of common stock of Pacific Gas and Electric Company owned by it and use of not more than \$450,000 of cash; and that the payment of such dividend will result in a charge of approximately \$2,850,000 to earned surplus.

The North American Company has requested that the Commission enter an order permitting said declaration to become effective or granting said application on or before August 28, 1944.

By the Commission,

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-11747; Filed August 7, 1944;
10:13 a. m.]

[File No. 70-918]

AMERICAN GAS AND ELECTRIC CO., ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER

In the matter of American Gas and Electric Company, Indiana & Michigan Electric Company, St. Joseph Heating Company, File No. 70-918.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of August, A. D. 1944.

American Gas and Electric Company ("American Gas"),¹ a registered holding company, Indiana & Michigan Electric Company ("Indiana & Michigan"), an electric utility subsidiary, and St. Joseph Heating Company ("St. Joseph"), a non-utility subsidiary, have filed applications and declarations and amendments thereto pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 requesting permission to consummate the following transactions:

(1) St. Joseph will sell and Indiana & Michigan will purchase all of the physical property owned by St. Joseph used or hold for use in the distribution of steam for heating and other purposes at a price equal to the cash cost incurred by St. Joseph in the organization of the company and the construction of such properties less accrued depreciation as shown on the books of St. Joseph at the close of the month preceding the sale or at a price of \$35,000, whichever is the lower. At April 30, 1944 such cost amounted to \$191,675.18 and the depreciation reserve amounted to \$165,879.44 or a net amount of \$25,795.74.

(2) St. Joseph will sell and Indiana & Michigan will purchase a depreciation fund in the amount of \$165,879.44 accumulated by St. Joseph in the operation of the steam heating property and consisting of cash in the amount of \$56,764.09, U. S. Treasury Bonds with a carrying value of \$76,983.94, Indiana & Michigan 7% preferred stock of a par value of \$31,000, and miscellaneous items amounting to \$1,131.41. Such fund will be purchased for an amount equivalent to the cash therein plus the cost or market value, whichever is lower, of the securities as of the close of the month preceding the date of the sale.

(3) St. Joseph will thereupon liquidate the remainder of its assets, discharge its obligations to its creditors (other than to American Gas) and dissolve, transferring its assets, to consist of cash in the estimated amount of \$218,690.85 and preferred stock of Indiana & Michigan, having a par value of \$3000, to American Gas in satisfaction of advances in the amount of \$222,400.98 and in exchange for all its capital stock having a stated value of \$300.

A public hearing on said joint applications and declarations, as amended, was duly held and having considered the record we make the following findings:

Indiana & Michigan is an electric utility company organized under the laws of the State of Indiana engaged in

the generation, transmission, distribution and sale of electric energy in the cities of South Bend, Indiana and Benton Harbor, Michigan and adjacent communities. It is subject to the jurisdiction of the Indiana Public Service Commission, the Michigan Public Service Commission and the Federal Power Commission. American Gas is the corporate parent of Indiana & Michigan owning all of the outstanding common stock in which is vested all normal voting power.

St. Joseph, organized under the laws of the State of Indiana, owns and operates steam heating distribution properties in the city of South Bend, Indiana subject to the jurisdiction of the Indiana Public Service Commission. All of its outstanding securities, consisting of three shares of capital stock having a par value of \$100, are owned by American Gas.

St. Joseph's operations consist exclusively of supplying steam for heating purposes to approximately 175 customers within reach of its distribution system. St. Joseph does not now have nor has it ever had facilities for the production of steam. It obtains the steam which it distributes from the main header at the South Bend generating station of Indiana & Michigan, maintained by Indiana & Michigan as "secondary plant capacity".

The record indicates that American Gas presently has an investment in St. Joseph of \$222,400.98 consisting of a nominal amount of \$1 in the capital stock and a balance of open account cash advances made to St. Joseph over the course of the years since American Gas acquired the property. The record indicates that after the sale of the physical property and depreciation fund to Indiana & Michigan and the discharge of certain current liabilities there will remain \$218,690.85 in cash and \$3,000 par amount of Indiana & Michigan 7% Preferred Stock to apply on the loan account of American Gas in the foregoing amount of \$222,400.98. American Gas will charge the estimated loss of \$710.13 on its investment to its earned surplus account.

It is estimated that expenses in connection with the proposed transactions, including all counsel fees, will not exceed \$500. The proposed transactions have been approved by the Public Service Commission of Indiana.

Under all the circumstances, we will approve the presently proposed step of eliminating St. Joseph as an unnecessary corporate complexity and the vesting of the title to the assets used in the distribution of steam directly in Indiana & Michigan as constituting an acquisition not detrimental to the carrying out of the provisions of section 11 and therefore in compliance with section 10 (c) (1) of the act. The proposed purchase prices and the estimated fees do not appear to be unreasonable and we make no adverse findings under Section 10 (b) (2). We also conclude that no adverse findings are necessary under the other applicable provisions of section 10 (b) nor the provisions of section 12 (c) and 12 (f).

The acquisition by American Gas of the remaining assets of St. Joseph, con-

¹ American Gas is a subsidiary of Electric Bond and Share Company, a registered holding company.

sisting of cash and 30 shares of the 7% Preferred Stock of Indiana & Michigan, in final liquidation of the latter company, and the acquisition by such latter company of its own securities likewise comply with the requirements of section 10 and require no adverse findings under section 12 (f).

It is therefore ordered, That said applications and declarations, as amended, are granted and permitted to become effective subject to the terms and conditions prescribed in Rule U-24 promulgated pursuant to the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-11748; Filed, August 7, 1944;
10:13 a. m.]

WAR FOOD ADMINISTRATION.

JONESBORO STOCKYARDS, JULIAN, ARK.

NOTICE AS TO POSTED STOCKYARD

It has been ascertained that the Jonesboro Stockyards, Post Office address, Jonesboro, Arkansas, posted on June 20, 1941, and designated as being located at Jonesboro, Arkansas, should be designated as being located at Julian, Arkansas. Therefore, the designated location of the stockyard is changed to Julian, Arkansas, Post Office address, Jonesboro, Arkansas, and notice of such fact is given to its owner, and to the public by filing notice with the Division of the Federal Register,

(7 U.S.C. 1940 ed. 181 et seq.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Done at Washington, D. C., this 4th day of August 1944.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

[F. R. Doc. 44-11714; Filed, August 5, 1944;
11:07 a. m.]

WAR PRODUCTION BOARD.

SYDNEY PLUMBING SUPPLY CO.

CONSENT ORDER

J. T. Sydney is the sole owner and proprietor of Sydney Plumbing Supply Company, and is engaged in the wholesale plumbing business at 12 Jackson Street, Providence, Rhode Island. He is charged by the War Production Board with violations of CMP Regulation 9A, Direction 1, and Conservation Order M-9-c-4 in that between January 3, 1944, and March 24, 1944, he purchased copper tubing in excess of permitted amounts and sold such copper tubing to unauthorized persons without certification and for unauthorized uses.

J. T. Sydney, trading as Sydney Plumbing Supply Company, admits that in the first calendar quarter of 1944 he purchased 1568 pounds of copper tubing in

excess of the limit permitted by CMP Regulation 9A and that he sold such copper tubing to unauthorized persons and without certificates in violation of the Regulation, and further that during said period he sold such copper tubing for uses prohibited by Order M-9-c-4 in violation of the order.

Wherefore, upon the agreement and consent of J. T. Sydney, trading as Sydney Plumbing Supply Company, and the Regional Compliance Chief, and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) J. T. Sydney, trading as Sydney Plumbing Supply Company, his successors or assigns, shall not purchase, receive, sell, or deliver any pipe or tubing containing copper or copper base alloy, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve J. T. Sydney, trading as Sydney Plumbing Supply Company, his successors or assigns, from any restriction, prohibition, or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 4, 1944, and shall expire on December 31, 1944.

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-11702; Filed, August 4, 1944;
4:20 p. m.]

[Certificate 207]

DISTRIBUTION OF FOOD STORES TO ALLIED OCEAN VESSELS

APPROVAL OF FORM OF CONTRACT

The ATTORNEY GENERAL:

I submit herewith a copy of a form of contract¹ proposed to be entered into by the United States, represented by the Administrator of the War Shipping Administration, with certain group representatives of ship's stores suppliers for the purpose of carrying out a program for the distribution of food stores to ocean vessels under the flag or control of the United States or the United Nations.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the proposed form of contract; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in accordance with the program above referred to and in compliance with the terms of a contract the substantive provisions of which are those of the form submitted herewith, is requisite to the prosecution of the war.

¹ Filed as part of the original document.

Dated: August 2, 1944.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 44-11757; Filed, August 7, 1944;
11:14 a. m.]

WAR SHIPPING ADMINISTRATION.

"Adios"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on June 16, 1942, title to the vessel "Adios," (236433), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17, 78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner.

and whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: August 4, 1944.

E. S. LAND,
Administrator.

[F. R. Doc. 44-11716; Filed, August 5, 1944;
11:29 a. m.]